

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

FIFTH DAY

MARCH 14, 2006

**MEETING HELD AT THE EVANS K. GRIFFING COUNTY CENTER
IN THE MAXINE POSTAL LEGISLATIVE AUDITORIUM
300 CENTER DRIVE, RIVERHEAD, NEW YORK**

MINUTES TAKEN BY

ALISON MAHONEY AND LUCIA BRAATEN, COURT STENOGRAPHERS

[THE MEETING WAS CALLED TO ORDER AT 4:01 P.M.]

P.O. LINDSAY:

Could I have all Legislators to the horseshoe, please? We've got a busy agenda, we're going to start. Mr. Clerk, start calling the roll.

(*Roll Called by Mr. Laube • Clerk*)

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

(Not Present).

LEG. CARACAPPA:

(Not present).

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

(Not Present).

LEG. ALDEN:

(Not Present).

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

(Not Present).

LEG. MYSTAL:

Here.

LEG. STERN:

(Not Present).

LEG. D'AMARO:

(Absent).

LEG. COOPER:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

Eleven (Not Present: Legislators Browning, Caracappa, Montano, Alden, Horsley, Stern
• Absent: D'Amaro).

P.O. LINDSAY:

Could we all rise for the Pledge? The pledge will be led by
Legislator Montano.

SALUTATION

Now I'd like Legislator Romaine to come to the center of the horseshoe for the
introduction of our Reverend to say a prayer.

LEG. ROMAINE:

Thank you, Mr. Presiding Officer. Today it's my pleasure to introduce the Reverend
Coverdale from the First Baptist Church in Riverhead, someone that has ministered
more than •• 23 years is it? Twenty•three years to his flock, he's built up a powerful
flock and has called many, many times on God's spirit on all of us, and I would ask if he
would do that today again, to pray for us in our deliberations. Reverend Coverdale, if
you would please come forward.

REVEREND COVERDALE:

Let us pray. Oh, Gracious and Eternal Creator of this universe, thou who has spoke

through various faiths, traditions. We come before your throne saying thank you for this day which had not been promised to us but which you have granted to each and every one present. We come at this hour to stand before this assembly of people, each Legislator representing its constituency yet working in harmony together for the betterment of our County. We bless those who have come to speak and stand before it, those who have come to make their issues known, we ask that you might give them strength. And as the Legislators listen and hear and debate, we pray that your presence will be amongst them. Now keep each and every one of us this day, in your holy name we pray, Amen.

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

Thank you very much, we appreciate that.

Before we start our business for the evening, I regretfully have to ask for a moment of silence for two individuals that served our communities in very different ways. First, the Monsignor John Fagan who died last month from complications of Parkinson's Disease. Monsignor Fagan retired from Little Flower in 2002 because of his illness, but was Director of Little Flower which was a wonderful home for an orphanage for children since 1959, he was the embodiment of an advocate for children and he'll be sorely missed.

On the other end of the spectrum, unfortunately I have to ask for a moment of silence for Army Specialist Thomas J. Willworth, he was from Mastic in Legislator Browning's District who was killed in action in Iraq earlier this month.

MOMENT OF SILENCE OBSERVED

Thank you. We're going to start the evening session of our March meeting in Riverhead with the swearing in of a new County Clerk.

Just recently the Governor has appointed Judy Pascale as the Clerk for Suffolk County. Judy, if you would proceed to the front of the horseshoe, and with us is Judge Pines who is going to administer the Oath of Office. Just don't trip over the spaghetti.

OATH OF OFFICE ADMINISTERED TO
JUDITH PASCALE • SUFFOLK COUNTY CLERK

Applause

MS. PASCALE:

I will be very brief. I feel like •• I'm so nervous, I can't believe this, I've done this a thousand times but not gotten sworn in. I would like to thank the Legislature for allowing me to disrupt their meeting tonight. I'd like to thank my family for their support, my husband, my children, my grandchildren are here, my sisters are here, there they are in the back. I'd like to thank Ed Romaine for hiring me 16 years ago and making me the first woman Chief Deputy in the history of the County Clerk's Office.

Applause

I'd like to thank Governor Pataki for bestowing this great honor on my family. And special thanks to my employees, the management team, Nicole, Chris, Dan, Anna, Pete, Rose, Larry, Karen, and the entire County Clerk's Office whose hard work and dedication has made us the premier award•winning County Clerk's Office in New York State.

Applause

I share this honor with each of you who continually make me proud to be part of the County Clerk family. Thank you all.

Applause

P.O. LINDSAY:

I'm not going to ask everybody to stand again, but I was remiss before when I asked for a moment of silence of those who have passed. Also last week Dominick Baranello, the former Suffolk County Democratic Party Leader for more than 30 years and former Vice •President of OTB, died last week. So if we could all remember Dominick in our prayers.

Thank you.

MOMENT OF SILENCE OBSERVED

Thank you very much for your respect.

Now it's my pleasure to call on Legislator Romaine for the purposes of a proclamation.

LEG. ROMAINE:

Actually I have two, so we'll do the first. And they actually both deal with basketball and the first is for Southold's First Settlers team. Last year this team, for the first time in 57 years, won Suffolk County Class C Championship. This year they not only repeated that feat, but they went on to win the Long Island Regional Championship in Class C, and now they're going further and are in the Final Four for New York State. So for the Southold First Settlers who have restored so much pride to their community and shown so much spirit, for them I would like to present this proclamation for their team and for their coaches. And I want to mention their coaches, Coach Jeff Ellis; is Jeff here •• he's probably in the back there •• and Assistant Coaches Phil Reed and Mike Hogan and their Athletic Director Gloria Ruppert. Guys, thank you for a great job. And what I would like to do is meet you out in the auditorium to make this presentation. Can we get them all up here? Okay, great.

Applause

They're a good example to the Legislature because they show us what teamwork can do. So with that, I'd like to present to their coaches this proclamation honoring their accomplishment, and I'd also like to present a Certificate of Merit for every one of you guys. Thank you for bringing the pride back to Southold, thank you for winning the championship for Suffolk County, thank you for winning the Long Island Regionals. On to the final four, let's become State Champs.

Applause

Congratulations. I'd like to ask the Comptroller for the County of Suffolk to join us because his son is on the traveling team and has added to the victory that these other guys have put together. Come on up, Joe. You want to say a few words?

MR. SAWICKI:

No, no, I don't have to say a few words.

LEG. ROMAINE:

And I don't know if Steve Grodsky is here, but as a Police Lieutenant for Suffolk County, his son is one of the ●●

MR. ELLIS:

He's the center.

LEG. ROMAINE:

The center for the team and really the anchor, so I just want to acknowledge his presence. Thank you, guys.

MR. ELLIS:

Thank you very much.

Applause

LEG. ROMAINE:

Now, fortunately this year the North Fork is blessed with an abundant of basketball riches. Just to the east of Southold we have Greenport High School and they have won the Class D Championship, they're the co●winner for Suffolk County. I'd like the coaches and the players to come up, and the coaches are Al Edwards, the Assistant Coach Ed Corwin and Rodney Shelby and the Athletic Director Rob Costantini; guys, come on up.

Again, another great example of north fork teamwork, Greenport winning the Class D, co●winners of the Class D for Suffolk County. Guys, congratulations. Coming from a small school and working hard, you've demonstrated what spirit is all about. We cannot thank you enough. You really have the pride back in Greenport. I'd like to give your coach this proclamation for the team and we have Certificates of Merits for all of you. Congratulations.

COACH:

Thank you.

Applause

P.O. LINDSAY:

Thank you, Legislator Romaine. Now I'd like to call on Legislator Browning for the purpose of a proclamation.

LEG. BROWNING:

Thank you. Do we have Police Officers _Colackavich_ and Police Officer Skidmore; are they here?

MS. FITZPATRICK:

They're in the back.

LEG. BROWNING:

They're in the back? Okay, I think we're going to have to give them a few minutes.

LEG. LOSQUADRO:

Here they are.

LEG. BROWNING:

Okay. The reason why I asked these police officers to come was because _Ami_ here, she's ten months old, and on March 4th, it was approximately four o'clock in the morning, _Ami_ stopped breathing. She had a severe asthma attack and Police Officer Skidmore and _Corackavich_ both came to her aid. _Ami_ stopped breathing, they performed CPR, got her to Brookhaven Hospital and saved her life. So on behalf of the Martin Family and Suffolk County, we thank you.

Applause

I'm sorry, Inspector Meehan, and Inspector Meehan is here also.

Thank you, Inspector.

Applause

P.O. LINDSAY:

Okay, thank you. Just a few other announcements and then we'll get to the public portion. First, Legislator D'Amaro is not with us this evening; his father was struck very

seriously ill in Florida and he had full intentions of coming back today and he had another attack. So maybe you could remember him as well when you think about people in need.

This is March and it's Riverhead and it's a night meeting and we have an awful lot on our agenda. March is significant of St. Patrick's Day, so I wish all my fellow Irishmen a Happy St. Patrick's Day, and all those who wish to be Irish like Legislator Mystal, which I know he has that fond yearning.

The other thing is next weekend, for you sports fans, the NCAA Basketball Tournament starts and this year Budget Review is doing the pool if anybody is interested. I'm only kidding.

We have an extensive meeting tonight, an awful lot of people want to speak, a number of public hearings, so we are going to hold to the three minute time limit very strictly. If anybody can sum up their remarks in less than three minutes we would deeply appreciate it, or if you can forgo your time if somebody has already made your point we would also appreciate that.

To the Legislators, it's a night meeting, we have a long night before us. I do not have any intentions of breaking for dinner. If you feel weak and you need sustenance, there's bread and water in the back room.

LEG. KENNEDY:

How kind of you.

LEG. VILORIA•FISHER:

Mr. Presiding Officer, can I just say one thing to Budget Review.

P.O. LINDSAY:

Yes.

LEG. VILORIA•FISHER:

Just in honor of Budget Review, I'd like to remind everyone that today is National Pi Day, that's as in 3.14, you know, pi. If there are any other geeks out there, I just wanted to celebrate.

P.O. LINDSAY:

Okay, the first speaker under the public portion is Charlie Capp.
Mr. Capp?

MR. CAPP:

Hi. My name is Charlie Capp, I work for the Group for the South Fork. I would just like to read a letter into the record that was written by the President of the Group for the South Fork, Robert DeLuca, who couldn't be here this afternoon. This is regarding IR 2022•2005, it's the SEQRA determination for the Long Island Jet Center East Incorporated.

"Dear Presiding Officer Lindsay, I'm writing on behalf of the Group for the South Fork to ask that the Suffolk County Legislature reject the Council on Environmental Quality's recommendation that a negative declaration be issued for the above•referenced action. Instead we ask that the Legislature issue a positive declaration for this proposal and require the preparation of a Draft Environmental Impact Statement.

For the record, the Group for the South Fork is eastern Long Island's largest non•profit conservation and community planning organization. For over 30 years our professional staff of planners, scientists and policy specialists has represented the interest of some 2,000 local residents, businesses and individuals across the region.

We ask that you reject CEQ's recommendation primarily because it does not reflect adequate consideration of two very significant issues that should have been evaluated on both an individual and collective basis as part of CEQ's overall assessment.

First, CEQ appears to have viewed this proposal as a fairly routine and isolated tenant "redevelopment" plan which would not generally be the focus of much additional attention. In fact, the actual proposal represents a significant project expansion that would convert the current operation from a limited to a full•service, fix•based terminal. This level of redevelopment would create a five•fold increase in building area, a two•and•a•half fold increase in existing parking, a roughly two•fold increase in overall land lease expansion, and a 24,000 gallon increase in the amount of fuel storage capacity.

While it is our view that the extent of this proposed expansion should have easily met the threshold requirements of the preparation of a DEIS, the argument is even more compelling in light of the ongoing airport master planning process which we believe

CEQ did not fully consider.

As the Legislature is well aware, the review and debate surrounding the adoption of a new Gabreski Airport Master Plan is so significant that the County Executive created a special Community Advisory Board just to assure the maximum level of stakeholder input. For more than six months the Gabreski Advisory Board has taken extensive comment and testimony from a wide array of individuals and nearly all of these comments have related to the public's great concern about future growth at Gabreski Airport. In our view, the combined significance of subject project expansion coupled with an unprecedented level of public concern for controlling future growth at the airport makes an overwhelming case for why the County should require the most stringent level of environmental review for the proposed lease of Long Island Jet Center. To do otherwise would only confirm the public's growing fear that although Suffolk County Executive has talked extensively about his commitment to reducing the impact of the airport on the surrounding community, there is no real action being taken to enforce this commitment at the facility itself."

P.O. LINDSAY:

Mr. Capp, if you could wrap up, please.

MR. CAPP:

Sure. "Thus we appeal to the Legislature, as the final decision makers on this proposal, to reject the CEQ decision because it was not fully informed and to take a leadership role in calling for a DEIS to fully evaluate the potential site-specific and growth inducing effects of Long Island Jet Center expansion. Thank you for your time and our concerns."

P.O. LINDSAY:

Thank you. Next speaker is Willard Berrien.

MR. BERRIEN:

Thank you, Mr. Speaker and Members of the Legislature. My name is Berrien, Bill Berrien, I'm President of the Coalition Against Airport Pollution, also a Director of the ••

LEG. SCHNEIDERMAN:

Please speak into the microphone.

MR. BERRIEN:

I'm President of the Coalition Against Airport Pollution and also a Director of the Quoque Association. I'm here to start a presentation, I think you all have copies of the prepared remarks, there will be three of us giving this in very short order, I assure you.

Who is CAAP? CAAP is a citizens coalition seeking to stop pollution and aviation growth at Gabreski Airport located in Westhampton Beach, New York. It was founded in 1998, early efforts were successful at stopping potential large-scale aviation growth at the airport. CAAP's efforts were reunited last year due to some airport leases that were introduced that had the potential to severely impact, negatively impact the ecosystem at the airport.

Who supports CAAP? The coalition CAAP is a group of civic and community groups in communities surrounding the airport. It has about 13, 14 members at this point, community groups, East Quoque Chamber of Commerce, the East Quoque Citizens Advisory Committee, The Greater Westhampton/Dune Road Civic Association, Hampton West Estates Residents Association, the Pine Barrens Society, Quoque Association, Remsenberg Association, Westhampton Garden Club, Woodlands Homeowner's Association, the East Quoque Civic Association and the Quoque Association.

What are CAAP's concerns? Gabreski Airport lies within the Long Island Pine Barrens Preserve. It is beneath Gabreski Airport, it's the aquifer that is the sole source of the drinking water for these communities. It is a State designated special groundwater protection area and a Suffolk County certified critical environmental area. Gabreski Airport is already designated as a Superfund site due to previous pollution.

MR. SIEGEL:

Jaime Siegel, Vice-President of CAAP, also Director of the Woodlands Homeowner's Association. The Airport site is an environmentally fragile site. There are 18 known potential contamination sites at Gabreski Airport. Impact on both the Pine Barrens and the groundwater is affected by aviation. Increased pollution at Gabreski Airport could be from fuel spills, deicing runoff, fuel farm leakage, impact on single source aquifer that lies beneath the airport and it has an ultimate impact on all of our drinking water. Increased aviation use at Gabreski Airport, especially from Stage I and Stage II aircraft, impacts the air and noise pollution and the Pine Barrens. Aviation expansion, especially

for fixed•base operators and those with charter and time share jet flights, also affects the airport and the neighborhood. Therefore, it would be unwise to expand aviation and risk even greater groundwater contamination.

Further CAAP concerns are we oppose the granting of leases to business jet fleet operators and to more than doubling of the operations of the Long Island Jet Service Center at Gabreski Airport. These operations will introduce year•round 24/7 traffic to our skies and highlight toxic jet fuel farms and service chemicals to Gabreski. Following FAA predictions, take•offs and landings may triple by the year 2010.

There are several reasons for concerns. There are many applications that are pending for new and expanded fixed•base operators and charter operations at Gabreski. These operations will bring flights that often have nothing to do with our community, they will simply allow jets to park, refuel and pollute Gabreski while flying to and from outside airports. There are plans in the works to add 80 new T•hangars, 50 of which will be for new planes brought in to Gabreski Airport, and numerous larger hangars for even larger planes. Thank you.

Applause

P.O. LINDSAY:

Russel Engle.

MR. ENGLE:

Russ Engle, thank you, an officer at CAAP. What is CAAP doing on the Legislative as well as on the community side? For the Legislative, part of what we're doing is making this presentation to you today, but also we're seeking out all levels of government, Federal, State, County, all through letters, press releases, meetings, presentations, private conversations and any and all ways that we're able to make our point to Legislators, and we have engaged legal counsel who will follow me in just a moment.

Within the community, as Bill has mentioned, we have many, many community associations that are all directly affected by anything that guess on at Gabreski Airport. We, therefore, have had and held community meetings on Gabreski, working with these local groups, raising funds, making the issues known and, in essence, leveraging all our resources including becoming a 501•C3. Yet all of our efforts are to maximize public awareness of the problems affecting aviation growth at Gabreski.

That said, we recognize your needs at the Legislature; in fact, we believe we may be on the same page. We think there are shared goals between our group, our concerns and the community and the Legislature. One, to ensure no incremental pollution, groundwater, air and noise due to any extension efforts; two, to support the 106th Air National Guard; three, to make Gabreski self-sufficient financially with an appropriate size PDD for non-aviation development; four, to halt increased aviation use; and lastly, to not turn Gabreski from a local use airport into a commercial charter or jet-for-hire airport.

Our suggested plan of action? First no significant proposal to go forward without full environmental review. We urge you to vote no to LI Jet negative declaration IR 2022-05. Three, we demand that Long Island Jet, XL Air and other mass aviation users need a full SEQRA review, that you hold all lease decisions until the completion of Gabreski master plan ensuring only non-polluting growth, that you work jointly to develop a sound, realistic sized PDD to help give Gabreski a solid financial footing and a viable non-aviation, economic base, and to maintain an advisory roll at the local level on leases by the community recognizing that the Legislator maintains full authority to grant those leases. So in net, we want to work together, CAAP, our organization and our fellow citizens, can help promote redevelopment efforts for Gabreski, but we need to be certain that they will not add to pollution, ground, air or noise with no rush to lease, take the time and take the focus to get it right. Lastly, remember, we live here, we vote here and we care. We thank you for your time.

Applause

P.O. LINDSAY:

Jim Rigano?

MR. RIGANO:

My name is James Rigano, I'm an attorney and concentrate my practice in environmental law. My firm, Certilman Balin, has been retained by the Coalition Against Airport Pollution.

I understand that the Suffolk County Legislature is considering the approval of an expansion by Long Island Jet at Gabreski and that the Suffolk County Council on Environmental Quality, CEQ, has recommended a negative declaration under the State

Environmental Quality Review Act with no further environmental review. CEQ has suggested that if the Legislature has environmental concerns regarding the project, the Legislature should proceed with the preparation of an environmental impact statement. The Legislature should have serious concerns and an environmental impact statement should be prepared.

I would like to raise three issues this evening. First, coordination under SEQRA. The Legislature's environmental review of this matter must be coordinated with other agencies. Under SEQRA, the Legislature is required to coordinate where a project is a Type I; the Long Island Jet proposal is a Type I under SEQRA. So far coordination has not yet been performed and failure to coordinate would be a violation under SEQRA.

Second, compliance with the Pine Barrens Land Use Plan requirements. The entire airport is located in the Central Pine Barrens Preserve. The County has not yet conducted a written review of compliance with the substantial requirements under the Central Pine Barrens Comprehensive Land Use Plan as required under Article 57 of the New York Environmental Conservation Law. The standards under the Land Use Plan are enforceable by municipalities including Suffolk County and any discretionary decisions regarding the standards must be made by the Pine Barrens Commission. It is critical that a detailed review of compliance with Pine Barren requirements be conducted and that the Pine Barrens Commission be consulted on this matter.

My third and final point, cumulative impacts. The Legislature must consider cumulative impact issues associated with Long Island Jet Project and other proposed and pending developments at the airport. Proposed and pending projects must be considered • I'm sorry, proposed and pending projects may not be considered on a case by case basis. There are a number of proposed or pending projects that are being seriously considered and evaluated at the airport. The May, 2005, Draft Master Plan Update states that there are 80 hangars planned based on new tenants under different agreements which are pending; none of these projects should be permitted to go forward until an updated master plan for Gabreski has been completed and approved. It is essential under SEQRA to consider these various projects in one environmental impact statement; again, failure to do so would be a violation of SEQRA.

In conclusion and on behalf of my client, the Coalition Against Airport Pollution, I request that the Legislature coordinates its environmental review of this matter with other agencies, including the Central Pine Barrens Commission, evaluate compliance

with the Central Pine Barrens Comprehensive Land Use Plan, and perhaps most importantly, consider the cumulative impacts of all proposed and pending development at the airport as part of one environmental impact statement. Thank you. I have a letter I'd like to hand up to the Legislature on behalf of the coalition.

P.O. LINDSAY:

Thank you, Mr. Rigano. Gail Murphy.

MS. MURPHY:

My name is Gail Murphy and I thank you for the opportunity to speak here today. My beloved K•9 companion, _Zepher_ , was killed in a body gripping trap, strangled before my eyes and died.

I was raised on Long Island and graduated from St. John's University. I currently reside in Sag Harbor and am employed by a Long Island national company. I grew up less than a mile from where Zepher was killed. As a child I camped in the Long Pond Greenbelt outside Sag Harbor and spent hours picking huckleberries and wild flowers. I always recalled fond memories of my childhood and took my dogs to the greenbelt at least three to four times a week. Sunday, December 11th, was our usual morning hike. We had just started our walk and Zepher ran to the same pool of water for a drink, as always, suddenly a piercing shot rang out followed by a short, sharp cry. I ran to Zepher as he violently thrashed his head at the ground trying to paw off the contraption that gripped his head. I screamed with all my might but no one was around to hear my cry. I grabbed the trap and tried to figure out how to work it, but the springs were too large and too strong for my hands. There was no room between the steel bars and _Zepher's_ throat. I looked into his frightened eyes and knew in an instant he would die. I continued to struggle as Zepher's body went limp and rolled to the ground. I carried his body to the car and drove to the Animal Rescue Fund of the Hamptons where I had adopted him. I just remember standing over his dead body saying, "I couldn't save him."

I am eternally grateful for the Animal Rescue Fund of the Hamptons for their compassion, their professionalism and their support. I loved Zepher the moment I saw him. I delighted to watch him play at the surf at Sag Main Beach and swim with the swans at Crooked Pond. His blissful spirit was contagious and my heart feels the sting of his loss. Zepher overcame great obstacles and lived his life heroically, I only hope that in his death he will be a hero as well.

I know that there's a lot support here, not so much for political reasons but also because people feel my pain. I hope that you will support Legislator Cooper's Memorializing Resolution to let the Counties govern trapping for themselves to regulate and to listen to what the people want as far as what's on their public property. Thank you.

Applause

P.O. LINDSAY:

Thank you, Ms. Murphy. Virginia Frati?

MS. FRATI:

Thank you. My name is Virginia Frati and I'm the Executive Director of the Wildlife Rescue Center of the Hamptons. First I would like to mention that we are not an animal rights group. Our mission is to preserve and protect the region's native wildlife by providing rehabilitation services and public education concerning factors that threaten its abundance and diversity.

Hunting and trapping are not activities that our organization normally takes a stand on. What we do object to, however, is the cruelty suffered by the animal prior to its death, whether it be a domestic animal or a wild animal. The following are some instances that I recollect in the very short time that I've been involved with wildlife rehabilitation. In November of 1995, a call came in from a passerby that a raccoon was walking around the grounds of Liberty Nursery in Sagaponic dragging a steel jaw trap around with it. Disposition; the raccoon was caught and euthanized by lethal injection due to the state law prohibiting the rehabilitation of raccoons.

October, 1998; Sunday morning, a call from a homeowner in Southampton that a squirrel was caught in a conibear trap, still alive and struggling. The homeowner had hired a local pest control company to "take care of his problem", but didn't know the company was going to use this trap. The answering machine was only available at the pest control company and the disposition was the trap was cut off and the squirrel released.

November, 2004; animal control officer arrives at our wildlife rehabilitation facility with a raccoon caught in a carnibear trap.

The animal was fiercely struggling to breathe. We were able to squeeze the trap open

by turning the animal upside down and stepping on the springs at the end of the trap and putting our whole entire weight of two people on the springs. He was ultimately •• he was released right after that.

In June of 2005, a call from a religious retreat in Hampton Bays that a squirrel was hanging from his neck from a chain which, in fact, was a carnibear trap. Upon arrival, the squirrel was dancing in the air hopelessly trying to breathe. The trap was squeezed open, the squirrel was taken in for rehab. Tiny baby squirrels were observed crying in an adjacent have•a•heart trap. Babies were taken in for rehab and placed with their mother; again the owner of the property did not know that this was the method to be used to solve the problem. In other states the property must sign a statement that indicates that they are aware of the method to be used; unfortunately New York is still behind the times in that regard.

The majority of the people are totally unaware that trapping is allowed in our region at all, it took the horrible death of a beloved pet to bring it to their attention. While the cases I've presented here represent target animals, wildlife centers both locally and from afar have come across eagles, hawks, great blue herins, etcetera. Whether the animal is a target or a non•target animal, the amount of suffering the animal endures prior to death is phenomenal. Even with the use of the so•called humane box trap, the animal inside is usually drowned because it's the safest, easiest way to kill the animal without contact with the animal.

To sum up, I strongly support State Bills A•1835 and S•2142 which would give each local municipality the power to restrict or ban trapping as it sees fit. And I urge you to support them, too, by passing this Memorializing Resolution. Thank you.

P.O. LINDSAY:

Thank you, Ms. Frati. Sara Davison.

MS. DAVISON:

My name is Sara Davison and I am the Executive Director of the Animal Rescue Fund of the Hamptons. ARF is a private, not•for•profit animal welfare organization based on eastern Long Island. On behalf of our 7,600 supporters, I am asking you to sport Legislator Cooper's Memorializing Resolution that would grant municipalities the authority to regulate trapping. ARF has joined forces with international, national and local groups to form the Bite•Back Coalition whose mission is to ban lethal and

inhumane traps from all of Long Island.

As you know, there is a proud tradition of Suffolk County leading the charge on issues of public safety and the environment and the case against inhumane trapping is no different. Back in 1986 this body voted overwhelmingly to ban the use of the steel-jaw leg-hold trap in Suffolk County, only to be overruled by New York State. Two other counties across the State have also enacted Local Laws to impose limits on trapping only to be overruled by the State. In absence of leadership by the New York State Department of Environmental Conservation, Suffolk County has prohibited inhumane trapping on its parkland, as have many towns across Long Island, including most recently unanimous votes by the Town of Southampton and the Town of Shelter Island.

Part of the justification for Senate Bill No. 2142 and Assembly Bill 1835 is that the DEC has failed to respond to the changing demographics of counties. According to the latest LIPA estimates, there are now 1.48 million people living in Suffolk County. It is difficult to understand why such a dangerous and cruel hobby of such a small user group, and the DEC believes there 148 trapping licenses in region one, can put so many of us at risk. The DEC has shown a woeful lack of will and ability to enforce and regulate safe trapping. They do not require trappers to report non-target kills such as birds and pets, so there is no way of assessing the environmental and social impact of this activity.

The trapper who was responsible for Zepher's death had completed the DEC's Trapper Safety Course and yet he ignored all of the recommendations in the DEC's trapping in the 21st Century document.

The trap was placed in an unmodified bucket, 53 feet from a heavily used trail, two miles from the Village of Sag Harbor. The trap was baited with fish, the trap was untethered and the trap was untagged. The trapping season on Long Island runs ••

P.O. LINDSAY:

If you could sum up, Ms. Davison.

MS. DAVISON:

Yep, will do right now •• runs from November 1st to February 25th. When you ask the DEC where trapping is occurring on Long Island, they do not know, they do not require warning signs or notification; in other words, four months of unmonitored, unmanned and unidentified land minds on our public land. We look for your help to enlist and ensure that Suffolk County will be safe from the threat of traps. Thank you for the

opportunity to comment, and I have my comments and a photograph of the dog dead in the trap for your consideration.

Applause

P.O. LINDSAY:

Thank you. Kristyn Forrester?

MS. FORRESTER:

My name is Kristyn Forrester and I am in the seventh •• I am a seventh grade student at the East Hampton Middle School. It makes me very unhappy and frightened to think that our pets and wildlife can be killed in traps. When I walk with my dog Ginny, I want her to be safe. Please help us by stopping the inhumane use of traps in Suffolk County. Thank you.

Applause

LEG. VILORIA•FISHER:

Thank you.

P.O. LINDSAY:

Thank you very much, Ms. Forrester, for being brief, we appreciate that. Janet Langer. Janice Langer is it? Janet Langer.

MR. NOLAN:

Janet Longo.

P.O. LINDSAY:

Longo, excuse me. Janet Longo.

LEG. VILORIA•FISHER:

Janet Longo from Real Estate, I saw her earlier, she must be outside.

P.O. LINDSAY:

Is Janet Longo outside? Here she comes.

MS. LONGO:

Hi. I'm Janet Longo, I'm the assistant to the Director and the Acquisition Supervisor for the Department of Real Estate for Suffolk County and I'm here to speak on IR 1231.

LEG. VILORIA•FISHER:

Janet, can you talk louder and into the mike?

MS. LONGO:

Sure. I'm here to speak on IR 1231 which is the acquisition of the Loughlin Vineyards in the Town of Islip. I understand there was some confusion at the Budget Committee meeting last week regarding the funding source for this acquisition and I would like to clarify, you know, any information I can.

The title of this resolution refers to the 477 Fund; it is correct. The 477 Fund is also known as the Quarter Percent Drinking Water Protection Fund and it has five components, it has an open space component, water quality protection and restoration, farmland, property tax protection and sewer protection. For this acquisition we're using the open space component via conservation easement, and we're using the Farmland Protection Program. There's •• it's a 10 acre parcel and there's five acres of farmland and five acres of wooded and some wetlands on this property. We're not buying full fee on the other part, we are buying a conservation easement, that's why the funds, the dollar amount is the same on both •• in both the open space component and the farmland component. Normally we would buy full•fee, in this case the owner of the property only wanted to sell his development rights. We do have the right of first refusal on this for down the road.

The property is in the San Soucci Lake area, it's also adjacent to the Roosevelt Estate County Park. There's about acres if County•owned land surrounding this property. Like I said, the resolution is technically correct, the funding source is correct, the money allocation is correct. So I'm urging you to approve this resolution so that we can move forward with this acquisition, and I'm happy to answer any questions anybody has.

LEG. ALDEN:

Mr. Chairman?

LEG. VILORIA•FISHER:

We can't ask questions.

LEG. ALDEN:

Yeah, we can't ask questions on that, but one of the questions that was brought up at committee was had they looked at the old Water Quality Protection Fund. And I know that in the Islip portion there is some money left over in that, so that was the question. So if they could hang around until we debate the bill or get that answer to us.

MS. LONGO:

Can I answer it real quick? There wasn't enough money in the _12(5)E_ Program to cover this.

LEG. ALDEN:

I apologize, I know I'm not supposed to ask questions.

P.O. LINDSAY:

Okay. Thank you, Janet. Mindy Washington?

MS. WASHINGTON:

Good evening, everybody. I would like to start by engaging you all •• could I see a show of hands of how many people in this room, legislation people included, have cats and/or dogs? Oh, that's pretty good, okay. I would like those people that had a show of hands to tonight when you close your eyes to go to sleep, imagine your beloved companion suffocating in an iron•torture device and you are unable to help; for this is the horror that Gail Murphy must live with for the rest of her life.

My name is Mindy Washington and I am the founder of Rocky's Fund Rescue Welcome Home Sanctuary, Inc., in Southampton. In the rescue community, we believe in second chances, and thanks to ARF the dog Zepher was given a second chance at life until that life was blithely snatched away by a carnibear 220 body•gripping trap set on public lands in the Town of Southampton. In two excruciating minutes, this lethal trap suffocated Zepher, a 65 pound dog while his guardian tried helplessly to save his life.

Today we come before you to support County Legislator John Cooper's Memorializing Resolution, MR 3•2006 in support of New York State Bills A•1835 and S•2142 which would enable local municipalities such as Suffolk county to restrict, regulate and/or ban body•gripping, leg hold and other traps. Such a initiative would give home rule to our local elected officials regarding these lethal killing machines and removing some of the overreaching powers held by the New York State DEC in such matters. The DEC has

overruled our County on such an initiative in the past. They claim to hold in trust, quote/unquote, for all New Yorkers the natural resources of our state, and they include wildlife. It is high time that Albany and the DEC understand that the residents of Suffolk County comprise a large portion of those New Yorkers and we say we care about wildlife and other animals, no lethal traps on our public lands.

John Cooper's name to me should be John C to the fourth power Cooper. He is courageous politically for tackling this issue and taking on the trapping lobby and the DEC again. He is committed to making these positive changes to State and County Law, not just for his own constituents but for all the constituents of all of you here on the Legislature. He is compassionate in his life and his work and his understanding that all creatures have an intrinsic right to their lives. And the fourth C, he is courageous again in making compassion an act of conscience and in making compassionate action nothing to be ashamed of. Courageous, committed, courageously compassionate.

Rocky's Fund, Inc., our board and our members urge this body to pass MR•32•06 and take Mr. John C. To the Fourth Cooper as your roll model in such matters. Then if we have to walk our dogs all the way to the Capital steps in Albany and make them understand and pass these bills, we will do it and bring compassion home in memory and in honor of Zepher. Thank you.

Applause

P.O. LINDSAY:

Thank you. Before I call the next speaker, the Suffolk County Legislature has long had a practice of sitting here and listening to every speaker that signs up. I'm going to go out on a limb, the Memorializing Resolution on trapping will pass overwhelmingly here. It came out of committee 5•0, we still have I count five more speakers on this topic. Again, I am not restricting your ability to talk at all, but if you do see fit to waive your time, we'll get to the agenda much quicker. Thank you. Pamela Schmidlin.

MS. SCHMIDLIN:

Good afternoon. My name is Pamela Schmidlin, I am a Smithtown resident and a member and organizer of LI Dog. I'll try to make it as brief as possible.

Today I'm just here to ask you to please support the trap banning legislation proposed by Legislator Jon Cooper. These traps are barbaric, cruel and completely

unnecessary. They have no place in suburbia where the average citizens go walking with their dogs or children. It's estimated that every year in the U.S. these traps cripple or kill over five million animals besides those traps for fur including dog, cats, owls, squirrels, deers and eagles. In general, the traps consist of two metal rectangles hinged together and abated trigger. When sprung, they act like scissors and deliver a lethal blow to the animal's vertebrae or skull.

Victims suffer excruciating pain and fear as they tear ligaments and break teeth in their struggle to free themselves from their bone crushing trap. The World Veterinarian Association, the American Veterinary Medical Association and the American Animal Hospital Association have condemned the use of steel traps inhumane. And according to a U.S. Fish and Wildlife Service Study conducted at Yale University, 78% of the American public is opposed to the use of leg•hold traps. And because of the sheer cruelty they inflict, 90 countries and eight states within the US have already banned the use of these traps altogether.

Trapping with body•gripping traps for wildlife management or disease control purposes is often ineffective and sometimes counterproductive because of the random nature of the traps and there are other alternative, humane, live•capture devices that can be used for these purposes. In closing, I just ask you to support Jon Cooper's legislation and I thank you and let's do it for Zepher.

Applause

P.O. LINDSAY:

Thank you. Richard Suett.

MR. SUETT:

Good evening. My name is Richard Suett and I am Chief Pilot for Ampco Incorporated. Ampco is a third•generation, Long Island company that began in the Long Island Potato business and is now one of the largest produce brokers in the United States. Our corporate headquarters are located right here in Riverhead. Ampco has been trying to obtain lease approval for a corporate hangar at Gabreski Airport. As I told those attending a recent Airport Community Advisory Board meeting, our proposed hangar will not increase any traffic at the airport because we have been operating at Gabreski Airport for over 20 years already.

We are also not an environmental threat because we are not requesting a fuel farm. In addition, we also understand and encourage the efforts to make Gabreski Airport as quiet as possible to its neighbors. Ampco's hangar would provide revenue to an airport that is costing the County approximately \$1 million per year.

The 2002 Suffolk County Gabreski Airport Business Plan states that the first priority to increase revenues at the airport is to attract and encourage corporate aviation and develop new hangars. If a local business like Ampco cannot be encouraged to invest in Gabreski Airport and continues to be unable to obtain lease approval, then Gabreski Airport will continue to be an economic burden to the County and its aviation facilities will remain essentially unchanged as they have for the past 40 years. What a waste of an important asset. Thank you.

P.O. LINDSAY:

Thank you very much, Mr. Suett. Amy Johnston? Amy Johnston? Going, Amy Johnston; gone. Sharon Brown.

MS. BROWN:

I will pass.

P.O. LINDSAY:

Thank you very, very much, we really appreciate that.

Applause

MS. BROWN:

I also •• I thank you that you're passing the bill; let's make it a felony.

P.O. LINDSAY:

Here's a very familiar name; Mea Knapp. Welcome back, Ms. Knapp.

MS. KNAPP:

Thank you very much, it's really wonderful to be back.

P.O. LINDSAY:

In Riverhead.

MS. KNAPP:

In Riverhead, right; I had a meeting here earlier. My name is Mea Knapp and I'm here in connection with a resolution that's tabled before the EPA committee today that would appoint me as member to the Board of the Suffolk County Water Authority.

I want to first thank Legislator Caracappa for sponsoring this resolution and thank those members of the Legislature who called me in support of my nomination. However, I have seen an opinion issued by the Water Authority that indicated that my responsibilities in the Islip Town Attorney's Office would conflict with responsibilities of a Water Authority Board Member and on that basis I would ask that my name be withdrawn from consideration.

I wanted to assure Legislator Caracappa and the members of the Legislature that I had undertaken efforts to assure myself that there would not be a conflict. I asked a number of people in the town, including a member of the Town Attorney's Office and a member of the Planning Department, both of whom have at least 15 years knowledge to my experience with Water Authority matters, and I was assured that I did not have a conflict. While I have not been able to find the matters mentioned in the Water Authority letter, I accept them as true and on that basis I withdraw.

However, I was prompted to offer my name to Legislator Caracappa because I believe that the present Water Authority Board lacks diversity. The population of this County is 51% and 15% non-Caucasian; the members of the Water Authority Board share exactly the same demographic data. And I thought that the addition of a woman member would benefit of the Water Authority Board. For that reason, I regret not being able to continue with the process, but I was honored to be considered by this Legislature as a possible appointment and I am also opposed to those traps.

Applause

LEG. VILORIA-FISHER:

Thank you, Mea.

P.O. LINDSAY:

Thank you, Ms. Knapp. And you would add something to any board or any demographic group.

LEG. VILORIA•FISHER:

You're always very gracious. Thank you.

LEG. CARACAPPA:

Mr. Chairman?

P.O. LINDSAY:

Yes.

LEG. CARACAPPA:

In light of Ms. Knapp's testimony, I, as the sponsor of the bill, will withdraw it; so to the Clerk's Office, consider that bill withdrawn.

And I'd like to thank Mea for her willingness to serve on the Water Authority Board. I'm sorry it's not going to happen this time around, you would have been a tremendous asset to it. So thank you, Mea.

P.O. LINDSAY:

Thank you. Pamela Hargrave? Is that ••

LEG. VILORIA•FISHER:

Hogrefe.

P.O. LINDSAY:

Hogrefe; excuse me, Hogrefe.

LEG. VILORIA•FISHER:

She was on my committee, that's why I know how to say it.

P.O. LINDSAY:

Okay. I don't think it's her spelling, I think it's my eyes.

MS. HOGREFE:

Just don't call me late for dinner. Okay. I'm here today regarding Resolution 1222. My name is Pamela Hogrefe, I live on Riverside Drive in Riverhead and I am also a co•chair of the •• am here today representing the Riverside Drive Association which was formed in July of '05, specifically in our desire to safeguard and ultimately preserve a truly

magnificent 55 plus acre parcel of land which borders the Peconic Estuary. I would like to thank Legislator Romaine for bringing this forward to the County. I also would like to thank County Executive Steve Levy and Michael Deering for their numerous calls back and forth to me.

Riverside Drive Association has been working with Riverhead Town; along with The Nature Conservancy, the town is moving forward on this. However, there's going to be a significant financial undertaking with this project and the town's going to need and they should want County support, I would expect the County would want to feel that acquisition as well, I think it would be very nice coup. This property is definitely worth our attention and support and effort, and I am also confident that we can make it happen. While Riverside Drive is going to be the first to reap the immediate benefit of this acquisition and preservation, it reaches much further than any single neighborhood.

I want to thank you for your time and I hope for your support.
Thank you.

Applause

P.O. LINDSAY:

Thank you very much. Jim Morgo. And I don't care how many times you enter the pool, DC isn't going to be the national champions.

COMMISSIONER MORGO:

I'm so pleased to hear you say that, Legislator Lindsay, because, you know, I am from the new england area and we do have a problem with superstition, so say it all you want.

I'm here •• and happy St. Joseph's of the Worker Day, to you particularly. I'm here to speak about IR 2202, I'm going to ask you to table the resolution for one more month. As you previously heard from some of the residents surrounding the Gabreski Airport, this is the •• CEQ's recommendation on SEQRA for the Long Island Jet Center's lease. There are two reasons I ask you to table again; number one, there is no lease. The Long Island Jet Center and the County Attorney's Office office are in negotiations, they remain in negotiations and I have absolutely no idea when those negotiations will end.

The second reason, as you heard, is that the community has serious concerns about the LI Jet operation. And in fact, as I heard Mr. _Engle_ speak, I was thinking that the administration agrees with much, much of what he said. So I would ask you to table again for a month based on those two reasons, and thank you.

LEG. SCHNEIDERMAN:

Mr. Chairman? Before you sit. Mr. Presiding Officer, if I may? This came out of CEQ and it seems to me that this resolution ought to be in front of CEQ still, not in front of the Legislature, they ought to take a second look based upon all the new information that's been presented. How do we procedurally, maybe this is a question for Counsel ••

LEG. ALDEN:

Bring that up when the legislation comes up.

LEG. SCHNEIDERMAN:

•• get it back into CEQ's hands?

P.O. LINDSAY:

Yeah, I would prefer until we get to the agenda. Mr. Morgo, as a representative from the County Executive, is asking that the resolution be tabled and I would think that that would weigh very heavy on our deliberations when we get to that particular resolution.

LEG. SCHNEIDERMAN:

Then could I ask Commissioner Morgo whether he felt it was better to have this in front of CEQ rather than at the Legislature?

P.O. LINDSAY:

I would prefer not to open the door to questions at this time or we'll never get through the public portion.

COMMISSIONER MORGO:

I'll tell you later.

P.O. LINDSAY:

Amy Chaitoff? I probably brutalized the name, I apologize.

MS. CHAITOFF:

Perfect.

P.O. LINDSAY:

Oh.

LEG. VILORIA•FISHER:

There you go.

MS. CHAITOFF:

I know you promised this would pass unanimously, so I'm going to make this very quick because I came all the way here; you know, I might as well.

P.O. LINDSAY:

I didn't say unanimously, I said it would pass.

LEG. VILORIA•FISHER:

We don't know.

MS. CHAITOFF:

Oh, not unanimously? Uh•oh. All right, my name is Amy Chaitoff and I'm here on behalf of Little Shelter Animal Adoption Center in Huntington in support of John Cooper's Memorializing Resolution M003.

The use of any type of trap, whether leg, body or otherwise, is an outdated and cruel method of killing any animal and cannot be made acceptable under the guise of conservation or pest control. Animals can be suffering in a trap for hours and even days after being caught by the leg, neck, torso or face, choking on their own blood or suffocating to death. Many have eaten away at their own limbs trying to free themselves from these traps. In addition, trapping by its very nature is unreasonably dangerous to the public at large as well as pets because the trapper is not present during the actual trapping, and often the trap is concealed from view lying in wait for its intended and many times unintended victims. Today there are safe and humane ways of trapping nuisance animals without posing a danger to the public or companion animals such as hav•a•heart traps which are safe, effective and cruelty•free. Traps where the leg, body or otherwise are literally death traps and accidents waiting to

happen.

I would ask and request that this Legislature please support this resolution as ministers of justice and as representatives of Suffolk County residents. Thank you very much.

Applause

P.O. LINDSAY:

Thank you. James Rigano.

MR. RIGANO:

Yes, I have spoken; I spoke previously.

P.O. LINDSAY:

Oh, you wrote two cards, one under Jim Rigano and one under James; very Tricky, very tricky. Helen Fitzgerald. Helen Fitzgerald?

MS. FITZGERALD:

Yes, I'm here.

P.O. LINDSAY:

Okay. Yes, I'm Helen Fitzgerald from East Hampton. I am here to speak to the resolution by Legislator Vilorio•Fisher supporting the increase in funding and in personnel of the Public Health Nurses here on the east end. I know you had some discussion of this last week.

We have three people who are supposed to serve the entire east end from Riverhead out on both forks and Shelter Island, and obviously do not get to the people. It's hard to prove the need because it's hard to prove something that's not happening. Like the frail elderly who are in their homes, hoping to stay in their homes and not have to go in to an institution, we make a big difference in their lives, and of course the young adolescent, single mothers who need help and training and so forth. There's a lot of need and a lot of •• it cannot be done without the Public Health Nurse increase. So that's my cause.

P.O. LINDSAY:

Thank you very much, Ms. Fitzgerald. Margaret Brophy.

MS. BROPHY:

Good afternoon. My name is Margaret Brophy and I'm a Title Examiner. I come before you today as a taxpayer and a resident of Suffolk County. The reason for my appearance here today is in regards to an issue that several citizens have spoken on before including the 2004 November Legislative meeting. At that meeting, several Title Examiners spoke before the Legislative body of concerns regarding the County Clerk's Office On•Line System. We spoke of the Social Security identity risk issue and the outsourcing of work performed by myself and numerous other Suffolk County residents in the real estate industry who are your taxpayers and your constituents.

At the same meeting they spoke of the abundant records now available across the country on•line. I am strongly voicing my concerns regarding identity theft issues and the need to consider limiting those records available. We are here again to plead with each of you to listen to the voices of both your loyal constituents and those of Americans across the country. We are greatly concerned with the subject of our records being available on line.

I do not feel that at the meeting in November of 2004, that the Legislative body comprehended nor understood all the facts regarding the on•line system. Concerns raised were put aside by ex•County Clerk Mr. Romaine, and I quote Mr. Romaine; "We think this is going to be a tremendous benefit in terms of protecting people against identity theft because we will and we have developed a tool •• and my IT Director can talk to that •• that will block out signatures and Social Security numbers on the subscription service."

Last Thursday at the Ways & Means meeting, County Clerk Judith Pascale asked for an additional 250,000 so they may purchase the software to redact Social Security numbers and signatures. Obviously Mr. Romaine was not correct in this statements in November of 2004 and went ahead and put the records on•line. Ladies and Gentlemen, I work with these records every day and have viewed more records than Mr. Romaine would ever care to view. I stress to you the urgency of this situation. The risk of on•line records goes beyond Social Security numbers. The American public's identities are being jeopardized, all for the benefit of what? I ask you this because you will be asked this again. Please have an answer for your identity•raped constituents.

Mr. Romaine also goes on and justifies the Social Security numbers and signatures

being available by stating, "The signatures and private numbers," Romaine testified, "are something you can get now in Riverhead from records filed at the Clerk's Office." This statement sounds similar to ••

P.O. LINDSAY:

Could you sum up, Ms. Brophy?

MS. BROPHY:

This statement sounds similar to an article dated March 4th of 2006 which states, "These documents with the personal data in tact are available to the public at court offices.

LEG. ROMAINE:

Mr. Presiding Officer, just a point of personal privilege, very quickly. Mrs. Brophy?

P.O. LINDSAY:

Legislator Romaine, I can't allow the cross talk because it will •• it will go on and on.

LEG. ROMAINE:

I just want to clarify the record. What Mrs. Brophy was talking about was not the on•line system but the subscription service, that's what I was testifying to, that system isn't even up.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

Ken Sparacino?

MS. TOCCI:

Can I switch with him? I'm right after him. Susan Tocci.

P.O. LINDSAY:

No, I'll put him on the side if he's in the building, if he went to the restroom or something. Susan Tocci?

MS. TOCCI:

Hello. I'm Susan Tocci, I'm also a Title Examiner in Suffolk County and have been for 22 years. I'm just going to finish off where Margaret Brophy has left off.

P.O. LINDSAY:

Ms. Tocci, could you speak into the mike, we can't hear you.

MS. TOCCI:

This statement sounds similar to an article dated March 4th, 2006, which states, "Those documents with the personal data in tact are available to the public at court offices"; it sounds a little familiar. This came out of an article in the Akron Beach Journal entitled, "Eight accused of identity theft. Ring allegedly steals Social Security numbers from County website, spends about \$500,000." The indictment outlines 103 instances of counterfeit checks or fraudulent credit transactions at stores in Ohio, Michigan and Kentucky. The point to make here is to obtain this information, now one must physically go to the Clerk's Office in Riverhead and show ID to get in to the building and view the records, not do it from across the country or globe.

Mr. Romaine, in his statement regarding blocking out certain info, is referring to a redaction software. My understanding is that this is not a hundred percent, so let me ask these questions. First, can the County redact info from what has already been microfilmed. My understanding is that the redacting will not work on what is being currently converted from microfilm to image. If the answer is no then it is a problem, as many older instruments have Social Security numbers on it.

Second, is it a hundred percent? The taxpayers should receive no less of an assurance. I would like to read this into the record, this is from one of many articles we have found regarding redacting. "In other counties across the country, Clerks are claiming they have the technology to retroactively redact the Social Security numbers they have published to cyber space;" do they or is this just another misleading statement designed to sell more expensive software? Last summer Hart Intercivic won a 500,000 contract to redact the Social Security numbers from documents displayed in Orange county, Florida. The software was found to be only partially effective identifying and redacting some Social Security numbers from the official website.

This statement mentions Florida, so let me stay here for a minute. Florida is one of those states that have been online for some time now, like Ohio who, I might mentioned, pulled over 400,000 records offline due to crimes being related to its website. Now, Florida is starting to become aware of problems. "Rampant Deed Fraud in Florida; investigators acknowledge criminals used images published by counties online."

Officials see no easy fix for forgery cons. State and County officials say they're not sure whether they will be able to stop con artists from using forged deeds to steal property. Most of the land was owned by the ••

P.O. LINDSAY:

Your time is up, Ms. Tocci.

MS. TOCCI:

Thank you.

P.O. LINDSAY:

I'll try one more time, Ken Sparacino.

MR. SPARACINO:

That's me. Just to continue where Susan was. Tighter deed laws sought. "It's one thing if these guys are committing crimes," Aronberg said, "It's another thing if the State is facilitating it." The State shouldn't be making it easy for these kind of things to go on. The people filing the deeds apparently are focusing on vacant lots with overdue taxes and maybe using the Internet to research the owners.

Another article, "Deed probe spreads to Belgium." I spoke with the National Chamber of Notaries and they will file charges," Eeman said. "At least two notaries in Belgium and their signatures and seals were forged on deeds filed in Lead County by USA Real Estate Solutions Inc., of Punta Gorda." Scam artists apparently are finding victims from as far away as China, Taiwan, Spain and Congo using the Internet to research vacant lots with overdue property taxes.

Another, "Woman Sues Over Stolen Lots." Scores of fraudulent deeds have surfaced in Lee and Charlotte Counties in recent months, including deeds and dozens with

signatures of dead people. "Florida Sues a Singapore Man Accusing Him of Land Fraud," Florida Attorney General Charlie Crist is suing a man he says used a Marco Island address, fraud and threatens to profit from hundreds of vacant lots used by others, obtaining this information from the County Clerk. According to the suit, Teal used the Internet to locate his victims who usually lived in other states and often were elderly.

This is another article by James Cook. The job had taken from him •• had taken him to Florida and his wife Paula was in Oklahoma to care for a sick mother when someone used Mrs. Cook's signature and driver's license number to steal their home in Frisco, Texas. The people didn't learn of the theft until they returned to check on the house and found someone had changed the locks. The man who came to the door informed them that he had given a \$12,000 down payment to a Carlos Ramirez.

Just in the past year, Mason Haas and fellow examiner Frank Sciula sat in another meeting in Hauppauge, they were the guests of the County Executive, Mr. Levy. The meeting was a presentation of the Suffolk County Clerk's website. The meeting was attended by department heads from around the country. At that meeting, Mr. Peter Schlusser, the County Clerk's IT Director, stated that, "One will be able to produce TRW like reports on anyone in this •• on anyone. This will be able to •• they will be able to produce a TRW like report" •• I'm repeating myself, excuse me. This statement raised concerns with those in attendance. There were questions raised about the identity theft issues, they were reassured that the IT Department will have the capability to determine who's checking on them, and of course this would be after the fact.

Ladies and gentlemen, I again urge you to ask the world •• ask your neighbors and friends and your constituents, do you wish the world to access your identity in this way? Thanks.

P.O. LINDSAY:

Okay. I'm going to take one more speaker under the public portion and then we are required to go to public hearings. Dennis McGowan.

MR. HAAS:

Could we switch that? I was behind him, Dennis McGowan, and I'll talk instead?

P.O. LINDSAY:

No. If somebody doesn't come to the mike, it's almost 5:30, I have to go to public hearings.

MR. HAAS:

All right, I would be the one. Ladies and gentlemen ••

P.O. LINDSAY:

Mason Haas.

MR. HAAS:

Yes. Ladies and gentlemen, what you've heard is a lot of a report that we put together to try to educate you and give you a better idea of what our concerns are. We are Title Examiners, but we know what's on record here; this is not about the title industry, it's about the public privacy.

A couple of questions here. This website, the TRW like report that this gentleman just spoke of, is this a violation of the Fair Credit Act? The Fair Credit Act was put in place by Congress and the idea behind it was to keep consumer reporting agencies from compiling reports on people that go beyond seven years, of judgments, any type of lien, bankruptcies and all. The County record, the County website would go beyond that period. There would be no control on who is compiling those reports, so each and every one of you could have a report compiled by anybody who goes on and digs up these records. So the question would be would the Clerk's website stop at seven years and drop those instruments.

The other thing that we wish to talk about greatly is the opt out, opting out. The 1994 Drivers Motor Vehicle Act allows for opting out, the main provision of that, one of the things behind that is that every state gives the owner the option of opting out. So that information is not put out there for the general public for people to turn around and surf through the websites, gather information and contact these people and compile information. This we ask of all residents of Suffolk County, that they be allowed to opt out. You have judges, you have police officers that are asking across the country to opt out and have their information removed. This is a situation where the public should be allowed, at the closing table, to turn around and sign a paper that says that, "Yes, file my records at the Clerk's Office where there are public records, but do not put it on the Internet." This is something that everybody should have, their information should be

protected.

With the deed that you dig up on the Internet, I could turn around, Ms. Fisher, if I find your deed on the Internet, that deed will give a description, and Mr. Kennedy can attest to it because he has a real estate background, that that description will start at the nearest intersection and give me the footage to your property, I could show up at your front door. And this is drastically something that should be considered.

Another thing is the Safe•at•Home Act. There are 13 states that have the Safe•at•Home Act, this act was designed to protect the victims of stalking, domestic abuse, sexual abuse and violent crimes that they have been victims of. This act allows these people to go to the State and have their information removed from any State agency or government website. New York State does not have that act at this time, there are only 13 states that do. So my question to you would be who is going to talk to the grief •stricken family when something violent happens to them, when a sexual predator or a stalker finds them at their home, or a police officer who is done giving somebody a ticket and then that person goes on the website, digs up their deed and turns around and shows up at that door and shoots them. That is why your professionals, your actors and all, your musicians put their businesses, their homes in corporate names; do we have to do that in America? We should not have to do that.

What we are asking for is the public to have the right to opt out, or that you put better regulations in place that control and go over what you are putting on. The redact system ••

P.O. LINDSAY:

Mr. Haas, thank you.

MR. HAAS:

Okay, thank you.

P.O. LINDSAY:

Okay. We're going to go to public hearings. Mr. Clerk, have the hearings been properly advertised?

MR. LAUBE:

Yes, they have.

LEG. ROMAINE:

Mr. Presiding Officer, before we go public hearings, Resolution 1233, I would like to take that out of order.

P.O. LINDSAY:

What?

LEG. ROMAINE:

Resolution 1233?

P.O. LINDSAY:

What is it?

LEG. SCHNEIDERMAN:

That's Greenport.

LEG. ROMAINE:

Greenport piece of property that we're ••

P.O. LINDSAY:

And why do you want to take it out?

LEG. VILORIA•FISHER:

We have to do the public hearings.

MR. NOLAN:

We've got to go to public hearings.

LEG. SCHNEIDERMAN:

Could I explain?

LEG. ROMAINE:

Yeah, okay.

LEG. SCHNEIDERMAN:

I'll explain. The attorney for the Village of Greenport is here. It's very late on the

agenda, it's something that came out of committee unanimously, I don't think there's any controversy. So that he might be able to go back to his family, we're just asking for that courtesy to take this one out of order.

P.O. LINDSAY:

Counsel is telling me that I have to go to public hearings. I'd be very happy to recognize that motion as soon as we're completed with public hearings.

LEG. ROMAINE:

Okay.

P.O. LINDSAY:

The first is ***IR 1004•06 • Authorizing alteration of rates for Sayville Ferry Service, Inc., for cross bay service between Sayville, New York, and the Fire Island communities of Fire Island Pines, Cherry Grove and Water Island (Resolution No. 55•06).*** It's been recessed from 2/7.

I have no cards. Does anyone want to speak on this public hearing?

It was recessed last time, I believe at the request of Budget Review for the •• do you know if the review has been completed?

MR. NOLAN:

They did their review.

MR. REINHEIMER:

Yes, it has.

P.O. LINDSAY:

It has. I'll make a motion to close. Do I have a second?

LEG. VILORIA•FISHER:

Second.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

10 •• you got it? I'm sorry. I didn't hear the count.

MR. LAUBE:

16.

LEG. CARACAPPA:

I'm here.

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

IR 1048 • A Local Law strengthening the procedures and remedies of the Suffolk County Human Rights Commission (Mystal). And again, I have no cards. Would anybody like to speak on this subject? Okay.

LEG. MYSTAL:

Motion to recess.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Motion to recess by Legislator Mystal and seconded by Legislator Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

IR 1069•06 • A Charter Law to create a consolidated Department of Audit and Financial Management. And I have two cards; Sondra Palmer•Randall.

MS. PALMER•RANDALL:

Good evening, Legislators. My name is Sondra Randall and I'm the Secretary ••

LEG. LOSQUADRO:

Pull the mike down a little bit, Sondra.

P.O. LINDSAY:

Thank you.

MS. PALMER•RANDALL:

Thank you. Good afternoon. I'm the Secretary of AME and I'm here to read into the record, on behalf of President Felice, AME's testimony for the resolution 1069.

"The Suffolk County Association of Municipal Employees is strongly opposed to Resolution 1069•2006, a Charter Law to create a consolidated Department of Audit & Finance merging the County Comptroller, the County Treasurer and the Department of Finance. AME believes this proposed consolidation is taking Suffolk County in the wrong direction for the wrong reasons and at the wrong time. The wrong direction would be because separation of financial duties is the keystone of providing checks and balances for financial controls. When financial functions are concentrated, less information is available and risk of abuse increases. The New York State Comptroller's Office recently released standards stating that financial duties should be separated to reduce the risk of error, waste and wrongful acts. The U.S. General Accountability Office also advocates that key financial duties need to be divided or segregated to reduce risk, error or fraud.

The Orange County, California, bankruptcy was partly facilitated by the consolidation of its financial functions within the Audit & Control Department that did collection. Presently, County financial transactions need more oversight, not less. Reliance on outside auditors have pitfalls, as demonstrated by the recent failure of Miller, Lilly & Pearce, the CPA firm that audited the Roslyn School District. Federal legislation such as the Sarbanes•Oxley Act substantially increased oversight and enforced separation of financial duties in the private sector.

Second, the wrong reasons would be there would be •• substantial saving projections have not been demonstrated by the merging of the offices. It has not been proven that the three offices considered for this merger lack cooperation or coordination. Consolidation does not promote institutional checks and balances at a time when most bond holders and other financial oversights desire more stringent controls.

The wrong time. At a time when taxpayers are seeking more transparency in government and more oversight, this consolidation goes against the wishes of the public. Time needs to be given to learn the functions and interrelations of these offices. The

County is facing a tightening of the County budget, a potential costly consolidation should be examined carefully." This is submitted by Cheryl A. Felice, President. Thank you.

P.O. LINDSAY:

Thank you, Sondra. Joan B. Johnson.

MS. JOHNSON:

Thank you. I am here to speak on 1069; is it 1069?

P.O. LINDSAY:

Yes.

MS. JOHNSON:

The consolidation is wrong for Suffolk County. I'm speaking as a member of the Charter Revision Commission. And I know we discussed this long and hard back some years ago, but it took place at a time when we were looking at Suffolk County and looking at the budget and looking at the fact that we had so many people in both departments that we could consolidate these and lose people through attrition; that was long before Orange County, California went bankrupt. We need these checks and balances. The bond rating decline is inevitable due to the change at •• in the present, sound, physical structure.

Financial power under one official is not sound for Suffolk County. The possibility of financial mismanagement can occur. We have seen what has happened in school districts, one school district after another, because there were no checks and balances. We now have checks and balances and the things that we discussed in that Charter Commission at the time, we have already seen happen in the Treasurer's Department; more than 15 people have been let go through attrition since the time that we made this decision. A stable financial operation is at risk. The independent financial advisors state that such a consolidation could lead to financial deterioration and credit erosion. Please do not vote for consolidation of these departments.

P.O. LINDSAY:

Could I just •• thank you very much, Joan, for coming out to Riverhead and your testimony. You are the first live body I found from the original Charter Commission, so I have a very important question for you.

MS. JOHNSON:

I'm here, yes.

P.O. LINDSAY:

That was ••

LEG. MYSTAL:

It's kind of scary, Joan.

LEG. NOWICK:

Why don't you just go into song?

P.O. LINDSAY:

•• 1994?

MS. JOHNSON:

Yes.

P.O. LINDSAY:

Yeah, okay.

MS. JOHNSON:

The year before that.

P.O. LINDSAY:

Did you •• I mean, I assume ••

MS. JOHNSON:

It was two years.

P.O. LINDSAY:

•• the commission was run on a Democratic basis where you voted for different changes?

MS. JOHNSON:

Yes, we did.

P.O. LINDSAY:

Okay. Were you in favor of the consolidation in 1994?

MS. JOHNSON:

Because at the time •• yes, I was.

P.O. LINDSAY:

Okay.

MS. JOHNSON:

And we talked about what the County •• what the County was back then. You have to think back at those days, and we were looking at every department. I was the Chair of Public Works, so Charlie Bartha and I went over every little thing and I learned more about Public Works in this County than I really wanted to learn, but we •• but we found • • we were talking about taxation, we were talking about trying to consolidate, we talked about other departments coming together perhaps, but we looked at that and we thought at that time, it was long before we saw the things that were happening in the school districts and what happened in the counties around the country that did not have these checks and balances. You have checks and balances in Suffolk County right now and you've got a bond rating that is excellent and don't break it •• don't fix it if it's not broken.

P.O. LINDSAY:

Thank you.

MS. JOHNSON:

Thank you.

P.O. LINDSAY:

I don't have any more cards on 1069. Would anybody else like to speak? Please come forward, sir.

MR. _SHEMBRY_:

Yes, hi. My name is Pete _Shembry_, I'm just a regular taxpayer. I just have been reading about this over the past couple of months and looking at this merger. Over the

past three, four years, a lot has been going on in our County with a lot of corruption, a lot of scandals, a lot of schools on austerity, a lot of people just having their own way with what they feel they can take advantage of.

Over the past couple of years, the Comptroller's Office has really put a cabash, Nassau County and Suffolk County, and slowing up the system of people manipulate our taxpayer's money. The Comptroller's Office doesn't need to have a leak or what they're investigating to go out of that office. You can't have people that are on the outside knowing what's going on on the inside. If they have something they're investigating, saving money on a salary is very little in the scheme of things when you have somebody that's embezzling 800,000, 200,000. The little bit of money that you feel you're going to save by putting it together, it can backfire. They're doing a good job in their own little system.

The only •• I could tell you this, and this is the last thing I'll tell you; the only merger they should have is probably with the DA's office because there's probably a lot more people out there that have been doing this. Schools all over the Island are on austerity, kids out on the corners are sitting there running \$3 car washes to pay for money that's been stolen from them. And you've got to realize, if you sit here and start merging something to think you're saving a dollar and it leaks out what the Comptroller's Office is looking at, what are you saving? You're saving nothing. The taxpayers have to find somebody else to try to do the job, no one else is doing the job.

Right now people are looking deeply into what other school districts are doing, whether it be schools, whether it be on a town level, there's been a lot going on. And I know all you guys know this, the media knows this and we can't shrug it under the carpet. This is a big problem, and to save a couple of dollars on a few salaries is not the way to go. We need to address this and let them do their job to watch over our County and all our taxpayer dollars that are just going out on the street and not coming back to the kids. Remember, it's about the kids, not us. The kids are getting hurt. When the schools are shut down and there's no sports and there's no extra reading, and then you watch 20/20 and they tell us how Germany and France, how they're so much more educated than our kids. We can't buy books, we can't do nothing because who's stealing the money? Whether it's a politician, whether it's somebody that's connected with the school board, but you know what? If we don't have somebody under a situation where they can do this investigation without it leaking, it will never get done. And for every one person you catch, ten are thinking twice about doing it, so you need to have that discipline in the

community. That's all I've got to say. Thank you.

P.O. LINDSAY:

Thank you very much. And I just have to make this one comment; you do realize that the County Treasurer's Office doesn't have anything to do with the school district.

MR. _SHEMBRY_:

And I realize that, but the Comptroller's Office ••

P.O. LINDSAY:

I thought you were just confusing the two, that's all.

MR. _SHEMBRY_:

Not at all. The Comptroller's Office is watching over the funds as best as possible and when they're doing that, anybody in the •• if they're consolidated together, it goes from a group of five or ten to 40.

P.O. LINDSAY:

No, I don't want to debate the issue with you, I just want you to understand that the school district is separate from the County government.

MR. _SHEMBRY_:

I understand that.

P.O. LINDSAY:

Including the Comptroller and the Treasurer.

MR. _SHEMBRY_:

And the Comptroller needs to work alone in what they're doing.

P.O. LINDSAY:

I hear you, I hear you. Thank you. We have another card, Maria Fagloria (sic).

MS. FIGALORA:

Figalora.

P.O. LINDSAY:

Figalora, I'm sorry.

MS. FIGALORA:

Good evening. I'm just here in opposition to this consolidation. I feel that we do need the checks and balances, and as Joan Johnson said, if it isn't broken let's not fix it. Recently, or not too long ago, I believe in Orange County, they consolidated the two and they almost went bankrupt, so I think that speaks for itself. Thank you.

P.O. LINDSAY:

Thank you. And I'll ask again, would anybody like to speak on 1069; did you want to speak, Ben?

MR. ZWIRN:

The County Executive would just ask that when all the speakers are done that this be recessed as opposed to closed.

P.O. LINDSAY:

Okay, thank you. Are there any other speakers? Yep, Treasurer Carpenter. Ang, you know how the drill goes.

MS. CARPENTER:

I do.

P.O. LINDSAY:

The man said he's going to ••

MS. CARPENTER:

And I'm going to be as quick as I possibly can.

P.O. LINDSAY:

Yeah, the man says he's going to recess it, you know?

MS. CARPENTER:

Yeah. No, I just want to on the record thank Joan Johnson for coming forward as someone who was there when the Charter Revision Commission met.

Also, I would like to acknowledge the President of •• the presence of our past County

Treasurer, John Cochrane, who at the beginning of next month is going to be installed as the President of the Government & Finance Officer's Association of the State of New York, and he, too, as he said at the last hearing, is opposed to this.

But I did want to put on the record that we will be having a written response prepared to the testimony that was given at the last public hearing because there were some questions and points that really need to be clarified, and I'll be getting a written response to each and every one of you. So I thank you for your attention.

P.O. LINDSAY:

Thank you very much. I'll make a motion to recess 1069.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

I have a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

13 (Not Present: Legislator D'Amaro, Kennedy, Vilorio•Fisher, Montano, Caracappa).

Next is ***IR 1070 • A charter Law to promote honest budgeting and efficient operation of government (Romaine)***. I have no cards. Would anybody like to speak on this? Hearing none, what is your pleasure, Legislator Romaine?

LEG. ROMAINE:

Motion to recess.

P.O. LINDSAY:

Okay. Do we have a second to the recess motion?

LEG. MONTANO:

Second.

P.O. LINDSAY:

Second by Legislator Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:

13 (Not Present: Legislators Kennedy, Vilorio•Fisher, Montano & Caracappa • Absent: Legislator D'Amaro).

P.O. LINDSAY:

IR 1114 • A Local Law to authorize a County registry for domestic partners (Cooper). And I have I believe two cards. Adam Grossman?

MR. GROSSMAN:

I'm very happy to be here this evening. I hope everybody can hear me okay. My name is Adam Grossman, I'm the Co•Chair of the East •• the EEGO Foundation. The EEGO Foundation is a non•profit that represents about 500 or so individuals and couples on the east end of Long Island, and I am here on behalf of our members to express our enthusiastic support for Resolution 1114, to create a Suffolk County Domestic Partnership Registry.

We actually have been involved with the registry issue for some time and have been involved at the town level. In fact, Legislator Schneiderman was the Town Supervisor in the Town of East Hampton which was the first town in Suffolk County to enact a domestic partnership registry at the town level. But I just wanted to mention to all of you why this issue was so important to us, that is members of the Lesbian, Gay, Bisexual and Transgender community, as well as many other people who are Suffolk County residents.

This is a system, an act to create a system of documentation of relationships that already exist, relationships that exist throughout Suffolk County to allow County residents to be able to get the access to the benefits that their employers may offer or that in the future government may offer to people who are domestic partners. These benefits include health benefits, they may include other rights that may be related to death benefits and other types of benefits that either an employer or government offers, and without these benefits, people don't have access to critical resources. I think probably all of you might think about how important health insurance is and how it is a big issue here in Suffolk County that many people don't have access to health insurance. And so this system just allows Suffolk County residents to be able to document, if they're not otherwise able to do so, their relationship so that their partners can get access to benefits that already exist based on relationships that already exist. It's something that doesn't cost •• should not cost the County money to be able to have

this system of documentation and it's very, very important to us.

And so I want to commend all of you for having this on the agenda and I'm hoping that the Legislature will be supporting this legislation and that the County Executive will support it as well. And I also want to mention, besides the kind of details of it, the other importance of it for all of us is to be able to have a system of documentation of our relationships. Because our relationships have meaning to us and this is a way to be able to establish that those relationships exist and should be supported by government and by the community.

So I'm thrilled to be here today. I also want to thank Legislator Cooper for his leadership on this issue, as well as the Presiding Officer and all of the rest of you, and hope to have your support with the registry. Thank you so much.

P.O. LINDSAY:

Thank you, Mr. Grossman. Kenneth Allan?

MR. ALLEN:

Hi, good evening. My name is Kenneth Allen, I live in Peconic. I am also a member of EEGO, I'm also on the EEGO Board. I also wanted to come tonight to speak, again, in favor of passing the domestic partner registry. I just wanted to dwell on a couple of reasons of why this is so important.

Many of the towns in Suffolk County •• not many, but a number of the towns on the east end •• have domestic partner registries; Southold, East Hampton and Southampton. Many towns don't, therefore many hamlets and villages don't have this protection. It's critical and it's easy to be at the same time complacent in a State like New York as to why we need this, but a very key reason, again, it gives validity to our relationships, it also is a way to document them. If my partner was to become ill, have an accident, etcetera, without this, a family member from out of State could come in and suddenly want to wrest control of his estate and that's just wrong. I think anyone here can relate to the fact that in many family members you have a family member who you are estranged from, you would not want that person coming in and suddenly taking control of your affairs if you were unable to do it on your own. And this is, again, a mechanism to allow us to say this is a bona fide relationship and we have a backing, we have legal proof that it exists.

And also, in this particular state, we don't have the right to marry right now; and I'm not going to Massachusetts or Canada to get married, I'll wait until I can do it here. But in the interim, I want to have that level of protection; I may have it being a resident of Southold Town, but many others do not. So again, it all goes back to why this is so important. And again, it's so important that we're not complacent on this issue. And again, I am encouraged by the fact that you're taking this up, I hope to see it passed. And again, I certainly congratulate those members of the Legislature who brought it forward. I certainly hope our •• that Mr. Levy signs it and that we can take it to the next level. Thank you.

P.O. LINDSAY:

Thank you, Mr. Allan. Tom Kirdahy.

MR. KIRDAHY:

Good evening, everyone. My name is Tom Kirdahy, I'm with the Human Rights Commission. I, too, am a member of the East End Gay Organization, I've spoken in front of this body before about this specific issue so I'll be brief.

The creation of a domestic partner registry is a public recording of a private commitment; nothing more, nothing less. It's two people signing an affidavit saying that they are financially and emotionally interdependent and that they are committed to the care of one another; again, it's nothing more and nothing less. However, for people who are in these committed relationships, while it doesn't create rights, it does create certain presumptions in law about their relationships. So that when Governor Pataki signs a hospital visitation act or a partner remains act or benefits for the survivors of 911, domestic partners registered in municipalities or in counties or in urban communities can prove that they have committed to one another with the showing of the affidavit of domestic partner registry and access those rights, those benefits. If I and my partner are traveling in Upstate, New York, and we get in a car accident and he is injured, I know, having registered in Southampton, that I can go into a hospital, show proof of my registry and will be guaranteed access, visitation to see my partner, the person to whom I am responsible emotionally, the person to whom I am responsible physically. It is proof for those hospital administrators that he has chosen me to be the one to make decisions on his behalf and to have access to him in the hospital. Yes, we can all create wills and powers of attorney and health care proxies, but gay and lesbian couples don't have the luxury of other rights in order to demonstrate their commitment to one another and codify it in law.

The creation of that registry, again, is a public recording of a private commitment. It doesn't cost the County a dime, it may put a few bucks in your coffers, but the truth of the matter is it is a demonstration that you as a Legislative body are committed to all citizens of Suffolk County. And if you look at it from a public health perspective, you are making a few more people safer in their homes.

I thank you for your support.

P.O. LINDSAY:

Thank you very much. I don't have any other cards on 1114. Is there any other people that would like to speak on this particular IR? Seeing none, what's your pleasure, Legislator Cooper?

LEG. COOPER:

Motion to close.

LEG. VILORIA•FISHER:

Second.

P.O. LINDSAY:

Motion to close by Legislator Cooper, second by Viloria•Fisher, Legislator Viloria •Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

16 (Not Present: Legislator Caracappa • Absent: Legislator D'Amaro).

P.O. LINDSAY:

Okay, ***IR 1142 • A Local Law establishing Suffolk County Citizens Public Health Protection Policy by requiring retail display of public warning notices regarding pesticides (County Executive)***. I have no cards on this issue. Is there anyone in the audience that would like to speak?

LEG. VILORIA•FISHER:

Besides Ben?

P.O. LINDSAY:

Besides Ben. Seeing none, what is the pleasure of the County Executive on this?

MR. ZWIRN:

He would ask that this be recessed.

P.O. LINDSAY:

Be recessed. I'll make a motion to recess. Is there a second?

LEG. MONTANO:

Second.

P.O. LINDSAY:

Second by Legislator Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:

16 (Not Present: Legislator Caracappa • Absent: Legislator D'Amaro).

P.O. LINDSAY:

Okay, ***IR 1143 • A Charter Law to require all leases for property at Francis S. Gabreski Airport to be approved by the Legislature to streamline County government (County Executive)***. And I have a couple of cards here. The first speaker is Charlie Capp. Oh, I don't know, we've got more than two, I've got a whole handful. Mr. Capp, go right ahead.

MR. CAPP:

Thank you ver much. Again, my name is Charlie Capp, I work for the Group for the South Fork. I would like to read a letter into the record written by Robert DeLuca, the President of the Group for the South Fork.

"I'm writing on behalf of the Group for the South Fork to ask that the Suffolk County Legislature withhold any action on IR 1143 until the Gabreski Airport's Community Advisory Board has had the opportunity to present its recommendations for lease administration to the Suffolk County Legislature. Over the past several months, the Advisory Board has worked in earnest to develop a series of recommendations that will better incorporate the concerns of the local community in airport decision making.

One of the advisory board's leading priorities has been the development of a new lease review process that will include local representation, provide a local venue for public

comment and create a timely process for the initial review of lease applications. In the coming weeks, the Advisory Board's Lease Review Subcommittee will present its final recommendations to the Advisory Board as well as the public. In the next few weeks, the Advisory Board will formalize these recommendations and provide them to both the Legislature and County Executive for consideration.

With the results of this important work so close at hand, we strongly urge you to withhold any action on IR 1143 until you have reviewed the Advisory board's proposal; to do otherwise would seem counterproductive given the County Executive's clear direction that the Community Advisory Board strive to develop and improve communication between Gabreski Airport and its surrounding communities. Thank you for your time and attention to our comments. Sincerely, Robert DeLuca."

P.O. LINDSAY:

Thank you very much, Mr. Capp. The next speaker is Jim B.C. Morgo.

COMMISSIONER MORGO:

Hello, again. Go Eagles. As you all know, as you're well aware, all leases for County property have to be approved or rejected by the Legislature; you have that statutory authority. The Airport Lease Screening Committee was a contrivance and is an aberration, it should be abolished.

That being said, as Mr. Capp just read into the record the letter from Bob DeLuca, the Community Advisory Board created by the County Executive, chaired by yours truly, has a subcommittee that will give the community a chance to air their opinions to you; that should be done in a codified, respectful way. As the letter already said, they're very close. I am hopeful that at the next meeting of the Community Advisory Board we will all support that recommendation. So I ask you to recess IR 1143 for one more meeting.

There's another very substantial reason I would ask you to do that. Jamie Segal who is a member of Citizens Against Airport Pollution, comes to all the meetings; I really want to see if Jaime can show up in long pants twice in succession, so I'd like you to see that. Thank you.

LEG. VILORIA•FISHER:

I just have a question.

P.O. LINDSAY:

Legislator Fisher?

LEG. VILORIA•FISHER:

Recessing the public hearing just extends the time of the public hearing. Is it because you anticipate to have more speakers come to the public hearing? Because we could also deliberate on this as we are deliberating on the motion rather than simply continuing the public hearing.

COMMISSIONER MORGO:

I understand the question, Legislator. It's a •• I think it will be a show of good faith from the Legislature that it does not abolish the Airport Lease Screening Committee, it does not act on it, until there is a systematic way that the opinions on leases can be heard from the community and that's being done through the Community Advisory Board. I realize ••

LEG. VILORIA•FISHER:

And then they would come to the public •• the next public hearing on this issue?

COMMISSIONER MORGO:

Well, yeah. And as a matter of fact, they are probably •• as the first speaker mentioned and Mr. Capp said, they're going to suggest those ways, those codified systematic ways to have their opinion heard on each lease, that's going to come before you in committee and it's going to come before you in the full Legislature.

LEG. VILORIA•FISHER:

Okay. And I'm not a lawyer so I'm asking you questions to which I don't know the answer, they're real questions. So thank you.

COMMISSIONER MORGO:

I would expect nothing less. Thank you.

P.O. LINDSAY:

Thank you. I have three more cards on this subject and I'll be happy to list anybody that wants to testify on this subject, but in light of Mr. Morgo asking that this be recessed which means there will be another hearing on it next month, I'll call the names, if you

feel the need to speak please come forward, if you can forego speaking being that it's being recessed, I would appreciate that as well. Sharon Frost?

MS. FROST:

I'll wave my chance to speak.

P.O. LINDSAY:

Thank you very much, Ms. Frost. Bill Berrien.

MR. BERRIEN:

I'll be very brief; again, from the Coalition Against Airport Pollution.

I think it's important to reflect that the coalition represents communities surrounding the airport and the coalition supports the efforts by the Airport Advisory Committee on this proposal to reconstitute the Airport Lease Screening Committee in a way that really takes into consideration the concerns of the surrounding community. So we urge that the Legislature, at the next meeting perhaps, consider the CAB proposal. Thank you.

P.O. LINDSAY:

Thank you. Russell Engle.

MR. ENGLE:

I'll waive my time. Thank you.

P.O. LINDSAY:

Thank you very much.

LEG. SCHNEIDERMAN:

I'll make a motion to recess, Presiding Officer.

P.O. LINDSAY:

I just have to go through the formality to see if anybody else would like to speak on this particular IR. Seeing none, a motion to recess is in order. Do I have a second?

LEG. ROMAINE:

Second.

P.O. LINDSAY:

A second by Legislator Romaine. All in favor? Opposed? Abstentions?

MR. LAUBE:

13.

LEG. CARACAPPA:

I'm here.

MR. LAUBE:

14.

P.O. LINDSAY:

14.

LEG. BARRAGA:

Here.

MR. LAUBE:

Oh, 15 (Not Present: Legislators Cooper & Alden • Absent: Legislator D'Amaro).

P.O. LINDSAY:

Okay, 1143 is recessed.

1154 • A Local Law to amend Article II of Chapter 270 of the Suffolk County Code to provide further protections under the Crack House Law (Cooper). I have no cards. I have no cards, although I do have a card for 1144 and I don't have an 1144. Jim Wood, you wouldn't be here to speak about 1154, are you?

MR. WOOD:

1144.

LEG. VILORIA•FISHER:

Maybe it's on the public portion?

P.O. LINDSAY:

Okay, you probably filled out the wrong card. I don't have a public hearing for 1144, but we'll • I'll put your card in with the public portion and we'll be happy to listen to you then, Mr. Wood.

All right, 1154. Hearing none, I'll entertain a motion. Legislator Cooper, where is he?

LEG. COOPER:

Right here. Motion to close.

P.O. LINDSAY:

Motion to close. Do I have a second?

LEG. VILORIA•FISHER:

I will second.

P.O. LINDSAY:

Second by Legislator Viloria•Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

16 (Not Present: Legislator Alden • Absent: Legislator D'Amaro).

P.O. LINDSAY:

Thank you. ***IR 1159 • A Local Law to protect Suffolk residents by permitting the seizure and forfeiture of vehicles engaged in unlawful speed contests or races (Cooper).*** I don't have any cards on this IR. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Cooper?

LEG. COOPER:

Motion to close.

P.O. LINDSAY:

Motion to close by Legislator Cooper. Do I have a second? Second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

15 (Not Present: Legislators Alden & Mystal • Absent: Legislator D'Amaro).

P.O. LINDSAY:

IR 1175 • A Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenues (Romaine).

I have no cards on this subject. Is there anyone in the audience that would like to speak on 1175? Yes, sir, please step up to the mike and identify yourself.

MR. SWENSON:

My card I think is on its way. Good evening, Ladies and Gentlemen.

My name is Garret Swenson, I'm the Town Attorney for the Town of Southampton. I'm here •• I'm appearing here on behalf of obviously the Town of Southampton. We support the proposed Local Law but would go further with it. The Supervisor has asked me to come and explain why; he's unfortunately involved in another commitment, ironically a cooperative effort with the County over the use of Gabreski Airport. We're hoping this could be another cooperative effort.

We have two points to make about the current system and the proposed Local Law. The current system does not provide for predictability or certainty for the local municipalities to budget upon, and I'll elaborate on that. The second point is that the current system is essentially unfair, that it ascribes the vast bulk of the monies that are supposed to go to public safety to the Suffolk County Police District, to the detriment of the five east end towns.

On the predictability issue, this is, as far as I can see, supreme torture trying to figure out how this is done. Our Comptroller spent the better part of today trying to get some solid information, data, evidence and formulas for how it is that it is determined what funds are made available to the east end towns for public safety purposes.

As we all know, the statute provides that the County may raise the sales tax 1%, but in so doing it must allocate at least one•eighth of 1% for public safety purposes. I believe that the County Exec has indicated that he actually assigns three•eighths of 1% for public safety purposes. We've tried to work those numbers out and we simply can't. We can't figure out a rational formula by which these numbers are arrived at. Three •eighths, in the math that we've been able to ascertain, is not three•eighths, it's some other percentage that we can't get to. We have been in touch with the County Comptroller, we have been in touch with the County Exec's Budget Office and we've been in touch with the Legislative Budget Review Office. The closest we got to reliable information was from your Budget Review Office and here's what we learned; three

•eighths is not three•eighths. If ••

LEG. VILORIA•FISHER:

It's a good thing it's Pi Day today.

MR. SWENSON:

If the County Exec had put in his budget three•eighths of a percent of the sales tax to be allocated for public safety purposes, the sum would have been \$98.5 million which would then be divvied up among the Suffolk County Police District, the western villages with police departments and the five east end towns. The number that was actually used was 58.6 million, not three•eighths somewhere keen between a quarter and three•eighths; somewhere between a quarter and three•eighths.

If we look at that number and we divide it by population •• and as I said, this is torture •• the Town of Southampton should have been provided \$1.9 million revenue sharing for public safety purposes out of that fund. Once again, that number does not match the number that showed up at our door. The number we actually received was 1.35 million. The Comptroller spent today trying to figure out where the rest of the money is and couldn't come up with a reliable answer and couldn't get an answer, a reliable answer from any County official. That is a problem.

The Supervisor that I represent is the chief fiscal officer of the Town of Southampton; he has a duty to prepare a reliable and predictable budget. We can't do that without knowing how the process works. It's not playing anywhere. So one thing we would respectfully request is that the formula be made plain to everyone involved so that there's some transparency, predictability and reliability.

P.O. LINDSAY:

Could you wrap up, Mr. Swenson?

MR. SWENSON:

Sure. The fairness end of it is obvious. If the Town of Southampton were given its fair share of three•eighths of a percent, proportionate to the population and the percentage of the County population that it bears, it would have received the sum of \$4.27 million for public safety purposes if the County Executive had indeed set aside three•eighths of 1% for public safety allocation; 4.27 million versus 1.35 million.

P.O. LINDSAY:

Please, Mr. Swenson, wrap up, you've used your five minutes.

MR. SWENSON:

May I •• okay, then I'll wrap it up by pointing out that ••

LEG. SCHNEIDERMAN:

I can ask him a question, right? What else would you have said if you had more time?

MR. SWENSON:

Is that how it works? Okay. I'm new at this.

LEG. SCHNEIDERMAN:

Keep it brief.

MR. SWENSON:

Okay, I'll keep it brief. If you, in fairness, recognize the fact that the Town of Southampton's population essentially doubles for at least to four months a year and take a blend of that population, once again, a fairer percentage, the amount of money allocated for public safety would greatly increase. The towns of Riverhead and Southampton, as we all know, account for a vast majority of the County's sales tax revenues, particularly Riverhead I would think with Tanger Mall. Unfortunately, they are not getting the vast majority of the public safety funds. So we would respectfully request that we do this on a fair, per capita basis with a real three•eighths, with the three•eighths meaning a three•eighths. Thank you very much, I'm wrapping up; I'm wrapped up.

P.O. LINDSAY:

Legislator Viloría•Fisher would like to ask you a question.

MR. SWENSON:

Sure.

LEG. VILORIA•FISHER:

It's just a brief question; if you can answer it briefly I'd appreciate it, if not maybe we can speak later on. But as I look at the legislation, it seems to me that the intent is to create,

in the words of the legislation, a more up-to-date formula. But it seems to me that in your testimony it's not the formula but the numbers that we tease out of the formula and the inability to get a uniform product and applying that formula.

So if the problem is in extrapolating the right numbers, how would this legislation help?

MR. SWENSON:

It's really both things. The legislation would help by directing, directing that a real three-eighths of 1% of sales tax revenues be allocated for public safety purposes rather than the percentage that the County Executive currently appears to use which, as I said, is a mystery.

The second thing would be mandate that once you get that fund that it be allocated throughout the County of Suffolk on a per capita percentage basis, a straight percentage of population versus the whole. Neither one of those things are being accomplished right now.

LEG. VILORIA-FISHER:

Thank you.

MR. SWENSON:

You're welcome.

P.O. LINDSAY:

Thank you very much. Do we have any other speakers on 1175?
Seeing none, what was your pleasure, Legislator Romaine.

LEG. ROMAINE:

We move can close it.

LEG. SCHNEIDERMAN:

We can close it.

LEG. ROMAINE:

We move to close.

P.O. LINDSAY:

Okay, motion by Legislator Romaine to close. Do I have a second?

LEG. ALDEN:

Second.

P.O. LINDSAY:

Second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. LAUBE:

16 (Not Present: Legislator Mystal • Absent: Legislator D'Amaro).

P.O. LINDSAY:

1175 is closed.

IR 1177 • A Local Law to encourage affordable housing and workforce housing initiatives in towns and villages. I don't believe I have any cards on 1177. Is there anyone in the audience that would like to speak on this resolution?

LEG. SCHNEIDERMAN:

Motion to close.

P.O. LINDSAY:

Seeing none, Legislator Schneiderman, what's your pleasure?

LEG. SCHNEIDERMAN:

Motion to close.

P.O. LINDSAY:

Motion to close. Do I have a second?

LEG. MONTANO:

Second.

P.O. LINDSAY:

Second by Legislator Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:

16 (Not Present: Legislator Mystal • Absent: Legislator D'Amaro).

P.O. LINDSAY:

Moving right along, ***IR 1213 • A Charter Law to allow for the introduction of Local Laws and resolutions by all County-wide officials (Romaine).*** I do not have any cards on this topic. Is there anyone in the audience that would like to speak on it? Seeing none, Legislator Romaine, what is your pleasure?

LEG. ROMAINE:

Motion to close.

P.O. LINDSAY:

Motion to close. Do I have a second?

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. LAUBE:

16 (Not Present: Legislator Mystal • Absent: Legislator D'Amaro).

P.O. LINDSAY:

IR 1214 • A Charter Law to transfer the Division of Cancer Awareness from the Suffolk County Department of Environment & Energy to the Suffolk County Department of Health Services (Romaine). I have no cards. Is there anyone in the audience that would like to speak on this Introductory Resolution? Seeing none, Legislator Romaine, what's your pleasure?

LEG. ROMAINE:

Motion to recess.

P.O. LINDSAY:

Motion to recess. Do I have a second?

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. LAUBE:

16 (Not Present: Legislator Mystal • Absent: Legislator D'Amaro).

P.O. LINDSAY:

IR 1219 • A Charter Law to amend the membership of the Council on Environmental Quality (Nowick). I do not have any cards. Is there anyone in the audience that would like to speak on this Introductory Resolution? Seeing none, what is your pleasure, Legislator Nowick?

LEG. NOWICK:

Motion to close.

LEG. VILORIA•FISHER:

Second.

P.O. LINDSAY:

There's a motion by Legislator Nowick to close, second by Legislator Viloría•Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

16 (Not Present: Legislator Mystal • Absent: Legislator D'Amaro).

P.O. LINDSAY:

IR 1221 • A Local Law to promote energy efficient environmentally friendly dredge projects (Viloria•Fisher). I have no cards on this subject. Is there anyone in the audience who would like to speak on IR 1221? Seeing none, Legislator Viloría•Fisher, what's your pleasure?

LEG. VILORIA•FISHER:

Motion to close.

P.O. LINDSAY:

Motion to close. Do I have a second?

LEG. D'AMARO:

Second.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Second by Legislator Horsley. All in favor? Opposed? Abstentions?

MR. LAUBE:

16 (Not Present: Legislator Mystal • Absent: Legislator D'Amaro).

P.O. LINDSAY:

IR 1229 • A Local Law to provide fair and equitable cost containment for residents in certain emergency service districts (Schneiderman).

I have no cards. Is there anyone that would like to speak on this topic? Seeing none, Legislator Schneiderman, what's your pleasure?

LEG. SCHNEIDERMAN:

Motion to close.

P.O. LINDSAY:

Motion to close by Legislator Schneiderman. Do I have a second?

LEG. ALDEN:

Second.

P.O. LINDSAY:

Second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. LAUBE:

16 (Not Present: Legislator Mystal • Absent: Legislator D'Amaro).

P.O. LINDSAY:

Okay. ***IR 1247 • A Local Law to facilitate implementation of reciprocal municipal***

livery business registration (County Executive). I have no cards on this subject. Is there anyone in the audience that would like to speak at this public hearing? Seeing none, I will make a motion to close. Do I have a second?

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Second by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:

16 (Not Present: Legislator Mystal • Absent: Legislator D'Amaro).

P.O. LINDSAY:

Okay, that concludes a long list of public hearings for this evening.

I certainly appreciate •• thank you for your indulgence with a very long agenda.

LEG. ROMAINE:

Mr. Presiding Officer?

P.O. LINDSAY:

Okay, just before, I know I am going to recognize you. Before we do that, though, I'd like to set the date of Tuesday, April 4th, 2006, 2:30 P.M., at the General Meeting of the Legislature in the Rose Caracappa Auditorium, Legislature Building, Veterans Highway, Hauppauge, for the following Introductory Resolutions: IR 1276, IR 1290, IR 1296, IR 1324, IR 1354, IR 1391, IR 1393, IR 1394 and IR 1395.

With that being taken care of, I recognize Legislator Romaine for the purpose of making a motion to take a resolution out of order.

LEG. ROMAINE:

Mr. Presiding offer, I'd like to move ••

P.O. LINDSAY:

I'm sorry, I just have to make a motion to close the public hearings; is that correct?

MR. LAUBE:

Yes.

P.O. LINDSAY:

Okay. A motion and a second. All in favor? Opposed? Abstentions?
Go ahead, I keep interrupting you.

LEG. ROMAINE:

Presiding Officer, with your pleasure, I'd like to introduce a motion to take out of order
***Resolution 1233, releasing the County of Suffolk's right of reversion interest in
premises in the Village of Greenport for economic revitalization.***

P.O. LINDSAY:

For those of you that have the paper agenda, it's on the next to the last page, and I
understand the reason for that is that we have an official from the Village of Greenport
here that has been waiting patiently. And if ••

LEG. SCHNEIDERMAN:

I will second.

P.O. LINDSAY:

We have a motion and a second to take 1233 out of order. All in favor? Opposed?
Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

It carries, the resolution is before us right now, 1233. Do I have a motion on
approving?

LEG. ROMAINE:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Do I have a second?

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Second by Legislator Barraga. Any discussion? Legislator Alden.

LEG. ALDEN:

Yeah, if we could just hear a brief description of what is being released and if there was anything substituted for that.

P.O. LINDSAY:

Who would you like •• you'd like that from Counsel?

LEG. ALDEN:

Yes.

P.O. LINDSAY:

Okay.

MR. NOLAN:

What this resolution does is release the County's right of reversion interest in premises located in Greenport Village, and the information I have is from the resolution. In 1985, the County conveyed this parcel to Greenport conditioned on their use of the parcel for governmental purposes. According to the resolution, the village owned an adjacent parcel and moved a building it owned at another location situated so that the building straddles the boundary line that once separated the County and village parcels.

The village now wishes to convey the County parcel that it received from the County and a village parcel to a private owner so that it may be used for commercial purposes. The County is to receive \$80,000 for releasing its reversion interest. The village intends to utilize its share of the funds realized by the sale of the County village parcel to complete a project at the Mitchel Park and Marina within the village. It is unknown from the resolution what amount the village is realizing from the sale.

P.O. LINDSAY:

Does that answer your question, Legislator Alden?

LEG. ALDEN:

Yeah, that answers that part of the question. But just as far as what our policy has been in the County, I believe that if we hadn't given this parcel to Greenport it probably would have been included •• and I'm just making an assumption here, it would have been included in one of our auctions where the County would have realized full proceeds from the parcel. And I'm just wondering if that's part of our Charter or if that's included •
• I know that part of it's in State law.

MR. NOLAN:

I think our process is generally found in the Administrative Code where we generally auction parcels that are surplus.

LEG. ALDEN:

The other part ••

MR. NOLAN:

This is a 72•h.

LEG. ALDEN:

Right. And the other part of it is that I don't believe we can give away property as a governmental agency and then end up with that property being transferred to a private entity and it's probably a for•profit, and I'm making a guess there that it's a for•profit, without just compensation.

P.O. LINDSAY:

If I could just in. You don't believe the \$80,000 is just compensation, or you don't know?

LEG. ALDEN:

I don't know. I mean, unless somebody's got, you know, as Legislative Counsel just indicated, I don't think there's appraisals done.

P.O. LINDSAY:

Okay. We don't have anyone from Real Estate. If you'll allow me, would this gentleman, maybe as a representative from Greenport, might be able to answer some of your questions, if that's agreeable to you, Legislator Alden.

LEG. ALDEN:

Sure.

LEG. SCHNEIDERMAN:

Just for the record, Joe, if you could identify yourself.

MR. PROKOP: (GET NAME FROM SCHNEIDERMAN'S OFFICE)

I'm sorry, of course. My name is Joseph _Prokop_ , I'm the Village Attorney of the Village of Greenport, and thank you for recognizing me. I stayed for the purpose of just this in case you had any questions.

There are two parcels of property which are •• the village is under contract to sell. One part, one portion is a very small fraction of the total and that's the parcel that we're talking about today; that parcel the village originally acquired from the County. It did, as I understand it, acquire it pursuant to technically the 72•h procedure. However, there was a difference where at the time the village acquired the property, it actually acquired the property for what back then was substantial consideration. And what we did was we worked out what the village thought was the appropriate proportion of the sale price to allocate to the County, and after a very long process of review, and I believe there was evaluation done by the County, the County came up with a sizably higher number which the village has agreed to. The total ••

LEG. ALDEN:

I'm actually •• you know, I'm satisfied because you hit a couple of points that I wanted clarified and Legislative Counsel explained the 72•h aspect of it, so I'm okay with it at this point.

MR. _PROKOP_ :

Okay. I just wanted to make sure that ••

P.O. LINDSAY:

Well, I would like •• I didn't see Jackie here from the County Attorney's office; do you have any comments on this topic?

MS. CAPUTI:

I could say something. Thank you, Legislator Lindsay. My office did work on this

resolution with the village and it's my understanding that the \$80,000 does exceed the appraised value of the County parcel, so it should be a fair sum for the property. Thanks.

P.O. LINDSAY:

Okay. Legislator Mystal?

LEG. MYSTAL:

This question is mostly for counsel. Are we setting some kind of a precedent here whereby the County is •• we pass a resolution to give land to an entity, usually a municipality, and then we turn around, the municipality takes it and sells it to a private owner? Let's say in my district, if we have a house and then I get the house and I give it to the Town of Babylon which in turn wants to turn it into affordable homes, but then instead of doing that sell the property to a private owner to develop; are we setting some kind of a precedent? I've never seen that done before?

MR. NOLAN:

I don't know if the County has done something like this before. I can tell you that the County can, pursuant to 72•h, transfer the property to another municipality for no consideration and under any terms it sees fit. And what the village does with it is kind of a separate question.

LEG. MYSTAL:

See, my question is I know the County can turn the property over to any kind of •• to a municipality any time it wants, my problem is that what subsequently happened to that property after we give it to •• we have a covenant that says that that property has to be used for some kind of public good or public purpose and we're turning it over to an owner to develop or the village, in this case the village is doing that.

MR. NOLAN:

I would defer to the village, but it appears in the resolution that they are achieving some public benefit by transferring the property to this private entity. And again, I look to the people from Greenport to say what that public benefit is to the village and to the County.

MR. _PROKOP_:

The problem, sir ••

LEG. MYSTAL:

I don't know, it's disturbing to me.

MR. _PROKOP_:

The problem, Legislator Mystal, is that right now the County •• the original County property has •• really has no value right now. What exists right now is a very small building, about 80% of which is on property that always belonged to the village and about 20% of which is on property, this piece of property that we're speaking about that came from the County.

The County property separately has no value, it could not be used really for anything. And because of that, what the village has agreed to do is to pay •• number one, pay the County a fairly sizable amount of money given the situation, but the second thing is to accommodate the original •• I guess what was the original intent of the County and the village and take the funds that are being derived from the sale and use those funds for a public purpose, because there really is no public purpose that can be obtained from this property any longer.

LEG. MYSTAL:

Let me follow up. In the WHEREAS clause, WHEREAS, as consideration for the County releasing this reverter interest and condition, that the parcel only be used •• only be used for governmental purposes in the County parcel. The village shall pay the County the sum of \$80,000 which amount exceeds the appraised value of the County parcel."

Now, if I apply a little bit of mother's wit, in other words common sense; if something is not worth any money, why would the village, which is not a very rich village, why would the village pay the County \$80,000 for something that's worthless? So in other words, it has some kind of value to somebody, possibly to the owner or the developer of the land.

MR. _PROKOP_:

We're •• that's a fair question, but the •• because the village is •• it was the end of a long process, the village working with the County. And basically the village portion of this property, which is, as I said, 80% of the now usable property, is encumbered by the fact that we can't do anything with the village property unless the County agrees to release its interest. So that value is really negotiated •• it's a negotiated amount and it's really to

the credit of the County •• the County Attorney and Real Estate Department that they were able to get the village to agree to that number.

LEG. MYSTAL:

I'm not disagreeing with you in terms •• I'm not disagreeing with the bill in terms of, you know, what they're going to do with it. My problem is the precedent that's being set right now for future land that the County may turn over to municipalities such as Babylon when we're talking about affordable homes and we have, you know, a couple of houses from, let's say, North Amityville that's turned over to the Town of Babylon for affordable home and then somebody decides to buy the land next to it and they say, "Well, let me get those two pieces, I can build an apartment building, you know, and make money out of it." My problem is the precedent that is being set right now. You know, I'll probably vote for this but I hope this is the last time we do something like this.

MR. _PROKOP_:

Well, if I could assure you, the first thing is this is not the case that you're talking about because the County did not turn this property over to the village. What happened, in fact, was that the village paid, in 1985 dollars, what was a fairly sizable consideration for this property to begin with. This property was never given to the village by the County, the village paid fair consideration for this property.

The second thing is, as I said, we're really talking about a sliver of a piece of property that ended up underneath •• what's a small building and combined with the property next door, basically merged with public property next door. And because of the set of facts and how they occurred, it really has no value. There's no public purpose that could be served by either the village or the County owning this property separately.

LEG. MYSTAL:

I'm sorry, I've got to continue this. The reason why I'm bringing this up, and Legislator Montano has had a problem with it ••

LEG. MONTANO:

Don't blame it on me.

LEG. MYSTAL:

We have a lot of pieces of land that we sell for almost zero, for very low money, and at the time that we sell those lands we are always told that this property has no value,

that's why we sell it for so little money. And I'm looking at ten years from now like somebody bought a piece of land in Lloyd Harbor, accordingly that has no value, and then ten years from now this piece of property is being attached to something else and now it's being sold for \$20 million. Okay? That's what I'm getting at.

P.O. LINDSAY:

I don't mean to cut you off ••

LEG. MYSTAL:

I'll stop.

P.O. LINDSAY:

•• but we have such a long agenda and I have five speakers on this topic. Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Yeah, I'll be really brief. If we took the hypothetical situation that there were no buildings on this property, we'd have a piece •• both pieces actually owned by the village, one with the reverter which I suppose could go back to the County and the County could sell, however Greenport paid for it, we'd have to give Greenport back their money. But the situation here is there's a building on that section which complicates the matter. So I think the public benefit here is to actually Greenport with economic development. And being that they're paying what appears to be or what has been testified to be more than the value of the property, I don't quite see any negative precedential value. And Mitchel Park, if anybody's been out to Greenport, is a real gem and it's something that benefits all of Suffolk County.

P.O. LINDSAY:

Just an observation; if our 20% of the building has the bathroom it has a lot more value. Legislator Montano.

LEG. ALDEN:

He left.

P.O. LINDSAY:

He left. Legislator Romaine.

LEG. ROMAINE:

Good evening, Joe. Let me just go through this again and correct me if I'm wrong. Twenty•one years ago the village got a •• applied for a 72•h to get a small sliver of County property to attach to village land, and for that they did not get that for free, they paid pretty close, if not market value at that time.

MR. _PROKOP_:

That's correct, sir, yes.

LEG. ROMAINE:

Okay. The next thing that happens is the village builds a building on that and a little bit of this building is on what was the County portion.

MR. _PROKOP_:

Yes, sir, that's right.

LEG. ROMAINE:

Twenty•one years after the fact, the village no longer needs this building, would like to sell this building and use the money to improve their public park for which they need money which is Mitchel Park with the carousel and everything else, if anyone's ever been out to Greenport.

MR. _PROKOP_:

Yes, that's correct.

LEG. ROMAINE:

And the County squeezed the village •• the Mayor felt that way, anyway •• for \$80,000 for a sliver of property that if it stood alone could not be sold for anything, but because part of the building was on it they had to pay that price and the village agreed.

MR. _PROKOP_:

Yes, we did, that's correct.

LEG. ROMAINE:

And that's why this resolutions is here today. This will help Greenport economic development. The County is going to get paid twice for their property, once when we

bought it in 85 and now again. So I don't know how this is a bad deal for the County, the village has agreed to it and I've agreed to help the Mayor make that case and I'm glad you were here to explain the facts. Thank you.

MR. _PROKOP_:

Thank you, sir.

P.O. LINDSAY:

And I hope this does set a precedent. Legislator Kennedy.

LEG. KENNEDY:

Yes, thanks, Mr. Chair. My question is just where this building sits now between this hybrid of village, County property, I guess all village now; is there any kind of access across the County portion of the property? The folks, the village people walk back and forth, do they access the waterfront, is there anything that's done back and forth on this property ••

MR. _PROKOP_:

No.

LEG. KENNEDY:

•• or does the building fully occupy the footprint?

MR. _PROKOP_:

The building fully occupies the footprint, it's nowhere near the water. And to call •• the structure that we're talking about, to call it a building is a compliment, it's almost an exaggeration. It's really a very small structure and both of the pieces of property we're talking about are very small. But no, I think if you •• I have personally seen it, I've gone by it several times, maybe if you turned sideways you could walk along that lot line that the County owns, but there's almost no access there, no.

LEG. KENNEDY:

So nobody's traversing it, accessing, going back and forth to other portions or things such as that.

MR. _PROKOP_:

No, there's no use of the property at all like that, no.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

Call the motion.

P.O. LINDSAY:

Thank you. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

13 (Not Present: Legislator Eddington, Montano, Cooper, Vilorio • Fisher • Absent: Legislator D'Amaro).

LEG. LOSQUADRO:

Mr. Presiding Officer?

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

I would like to make a motion regarding IR 1228, I'd like to make a motion to waive •• I don't know if I can do this in a single motion •• Rule 6•B (1), 6•B(2) and Rule 6•C; can I do that in a single motion?

P.O. LINDSAY:

Counsel?

LEG. LOSQUADRO:

Or do I have to do them individually?

MR. NOLAN:

I believe you can waive them altogether in one motion.

LEG. LOSQUADRO:

I would like to make that motion.

P.O. LINDSAY:

And just for everybody's edification, why doesn't somebody tell us what Rule 6 ••

LEG. ALDEN:

Yeah, what's going on here? Explain it.

LEG. LOSQUADRO:

This will •• well, I'll ask Counsel to explain the rules, but this is IR 1228, a bill I filed for •• to acquire the secure, continuous remote alcohol monitoring devices for the Department of Probation, and I'll ask Counsel to explain the motion on the rules.

MR. NOLAN:

Just say again which rules you want to waive.

LEG. LOSQUADRO:

6•B(1), 6•B(2) and 6•C.

P.O. LINDSAY:

It's in committee, you want it to age for an hour and discharge.

LEG. CARACAPPA:

Waive the rule to age an hour.

LEG. LOSQUADRO:

We need to discharge it.

MR. NOLAN:

This is a bill that's in committee. The rules that are being waived are basically to discharge it from committee. There's also a rule, because it's a budget amendment that three•quarters of the committee would have had to vote it out, so that rule is being waived, and that is essentially what Legislator Losquadro is trying to do by waiving these rules.

LEG. LOSQUADRO:

Yes.

MR. NOLAN:

There will be a one hour requirement.

P.O. LINDSAY:

Do I have a second to that?

LEG. NOWICK:

I'll second.

P.O. LINDSAY:

Second by Legislator Nowick. If the motion is successful, it will age for an hour and then we'll •• it will be eligible to be voted on.

LEG. LOSQUADRO:

Yes.

LEG. MYSTAL:

On the motion.

P.O. LINDSAY:

Yes, Legislator Mystal.

LEG. MYSTAL:

To the sponsor of the motion; is there some urgency as to you don't want this to go to the committee?

LEG. LOSQUADRO:

Yes, we would like to be able to heighten our monitoring abilities within the Department of Probation by having these devices sooner rather than later.

LEG. MYSTAL:

Okay.

P.O. LINDSAY:

Okay, I have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

13 (Not Present: Legislator Eddington, Montano, Cooper & Vilorio • Fisher • Absent: Legislator D'Amaro).

P.O. LINDSAY:

All right, we have to go back to the public portion. Nancy Sander;
Is Nancy Sander here?

LEG. VILORIO • FISHER:

They probably can't hear it back there.

P.O. LINDSAY:

Well, they should be here, then you don't have to hear it.
Vito Minei. I know Vito was here before; Vito Minei, are you within earshot? Okay, it
looks like Pete _Schember_? Oh, here comes Vito Minei.

MR. MINEI:

I'm sorry.

P.O. LINDSAY:

That's all right.

MR. MINEI:

I was talking to that attorney, they're long-winded.

LEG. ALDEN:

Hey.

MR. MINEI:

That's 1237. Thank you, I appreciate the time. I think I know most of you. I'm Vito
Minei, I'm here in a few capacities; I'm Director of Environmental Quality for the Health
Department, I'm also Project Director for the Peconic Estuary Program and I'm also a
member of the Water Quality Review Committee, the Quarter Percent Committee.

Before I go into the actual resolution, for the new members of the Legislature, I would
strongly recommend, maybe to you, Legislator Fisher, that we have a presentation on

the Quarter Percent Program, because there's still •• apparently there's a lot of residual misunderstanding about the program. I'm here on IR 1237.

LEG. VILORIA•FISHER:

Actually, Vito, I've been planning on having that presentation for the Environment Committee, yeah.

MR. MINEI:

Okay, thank you. I think it's a great idea. I was asked to come here hopefully to clarify some of the misunderstanding and urge you to approve 1237. This was a project approved out of the Water Quality Review Committee I believe two years ago, and it's a feasibility study to evaluate the need for dredging. And I think the term dredging caused the most misunderstanding, I think some members of the Leg might have thought that we were trying to turn over Quarter Percent money to DPW for the explicit purpose of the dredging; that is not the reason for this resolution.

It's a feasibility study. And as I was the proponent of it and the sponsor of it a few years ago, I think it's •• will turn out to be a prototype for the County and important to several of you Legislators in your district; I'm thinking you, Legislator Browning. And the reason is if •• if you look at the Dredge Screening Committee criteria, I believe there are ten criteria, there is only one that relates to public health. And that one explicitly says that the Suffolk County Health Department has to certify that the dredging under consideration will relieve some public health concern that year. And it's further my understanding that that criterion has only been applied in the past to the concept of improving flushing in and out of the bay, opening the mouth of a creek to allow the water to move in and out of the creek for the purpose of removing mosquito habitat. Our concern is there are a number of creeks and streams that probably should be addressed by dredging or alternatives to dredging, there are some that are discussed, capping, bottom sediments or aeration. But there are several creeks, and I'm thinking of Forge River in particular, where environmental conditions should be compelling enough to •• for the County to issue a direction •• a directive for dredging.

So the whole issue here with Meeting House Creek is, number one, it received a very high mark on the application form before the Water Quality Review Committee. And it's a three component application form; one, you have to establish environmental significance; number two, you have to identify the programmatic value of the project; and number three, I call it the likelihood of success part of the application, is there a

commitment, are there resources, are there matching funds? So it took us quite a while to come up with the criteria in the application form, but this project met that with a very high score.

So I wanted to assuage any concerns about the appropriateness of using Quarter Percent funds. It comes under the general ambit of non•point source pollution reduction, but there are a number of categories and subcategories in the evaluation form that it met.

So, again, I'm hoping that the Legislature sees the merit of this project; it is to evaluate the feasibility of dredging Meeting House Creek. And if some of you are not familiar, there's a graphic on the back that gives you some context for it. In the middle of that graphic is the Crescent Duck Farm owned by the Corwin Family. And Meeting House Creek, for decades •• and if you think of the history of duck farming, it goes back to the turn of the 20th Century •• we're discharging duck waste directly into Meeting House Creek. We literally, in the 70's, would lose probes trying to find the depth of this muck, this duck sludge; there are more technical terms but it indeed is very organic material.

One of the problems is as the waste from a warm blooded animal, it releases nitrogen, nitrogen is a nutrient but an overabundance in a surface water causes too much algal growth, both microscopic and macroscopic, that would be the seaweeds, that consume a lot of the nutrients and cause daily major fluctuations in dissolved oxygen that can literally knock ecosystems out of kilter. So the concern is duck waste in Meeting House Creek, and if you look towards the bottom of this graphic, it's actually the confluence of two streams out there in Riverhead. We're just east of the Indian Island Golf Course on the north side of Flanders Bay, in kind of the middle of Flanders Bay.

Terry Creek that you see down in the left hand corner is the tributary that the Broad cove Duck Farm used to discharge in, and if you're not familiar with Broad Cove as a duck farm, you may be familiar that it was also the site of, I still believe unfortunately, the worst wetlands violation in New York State history.

P.O. LINDSAY:

Mr. Minei, you're under public portion, you have three minutes. And I hate to do this to you, but evidently there is some disagreement about this bill, it was discharged without recommendation from committee, and I'm going to ask you if you could stick around for when we debate the bill to answer some questions.

MR. MINEI:

Okay. Luckily I live in the area, I will stay. Thank you for your time.

LEG. SCHNEIDERMAN:

Could we take it out of order?

P.O. LINDSAY:

Let me finish public portion and then you can take it out of order, okay?

LEG. ROMAINE:

Okay.

P.O. LINDSAY:

Thank you very much.

MR. MINEI:

Okay, I'm sorry.

P.O. LINDSAY:

Is there a Pete Schember?

LEG. LOSQUADRO:

Shembree.

P.O. LINDSAY:

What is it?

LEG. LOSQUADRO:

Schembre, I think.

P.O. LINDSAY:

Schembre?

LEG. LOSQUADRO:

I think so.

P.O. LINDSAY:

Is there a Pete in the audience? I know I got that part right.

LEG. LOSQUADRO:

The gentleman who spoke earlier on the Treasurer bill.

P.O. LINDSAY:

Okay. Jim Wood.

MR. WOOD:

Thank you, Legislator Lindsay. I hope I'm in order here, and I'm not quite sure of that, but if I'm not I'm sure you'll let me know. I'm here to comment on the Local Law to encourage and facilitate participation by women and minority owned businesses; am I okay?

MR. NOLAN:

Yes.

LEG. VILORIA•FISHER:

Yes.

MR. WOOD:

Okay. My name is James Wood, Jim Wood. I own a business here in Suffolk County, I live in Suffolk County. I'm also the Vice•President of the Suffolk County Minority Business Coalition.

I appreciate the constraint of time here and I understand that this resolution is also in good hands in this body; therefore, I'm not going to take a lot of time here. But I did want to commend to your attention, to the full attention of this Legislature, the members of the Ways and Means Committee for their passage of this law out of committee and hope that this full body, thank you in advance to the full body for following suit with the Ways & Means Committee. Thank you very much.

LEG. VILORIA•FISHER:

Thank you for being here.

P.O. LINDSAY:

Thank you, Mr. Wood.

Okay, I don't have any other cards. Is there anyone else that would like to speak under the public portion?

LEG. CARACAPPA:

Motion to close.

P.O. LINDSAY:

Seeing none, Legislator Caracappa has made motion to close.
Do I have a second?

LEG. ALDEN:

Second.

P.O. LINDSAY:

Second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. LAUBE:

16 (Amended Vote: 17 • Absent: Legislator D'Amaro).

P.O. LINDSAY:

I believe Legislator Romaine has a motion.

LEG. ROMAINE:

Motion to take 1237 out of order.

P.O. LINDSAY:

Do I have a second to that motion?

LEG. ALDEN:

1277?

P.O. LINDSAY:

1237.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. LAUBE:

16.

P.O. LINDSAY:

Okay, it's before us, 1237 is before us ***(Amending the Adopted 2006 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2006 Capital Budget and Program, appropriating funds in connection with and authorizing acquisition of land under the New Suffolk County Drinking Water Protection Program for the Loughlin Property • 5.0 +/- acres under the Open Space Component • 5.0 +/- acres under the farmland Developments Rights Component (Town of Islip • SCTM No. 0500•357.00•03.00•033.000)(County Executive).*** And Mr. Minei, I believe we have some questions by Legislator Romaine and Schneiderman; am I correct?

MR. LAUBE:

Elie is back, so it's 17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

Go ahead, Mr. Romaine.

LEG. ROMAINE:

Vito, as I understand it, this resolution is coming forward because there's so much duck sludge at the end of ••

P.O. LINDSAY:

Sludge, sludge.

LEG. ROMAINE:

Thank you.

LEG. LOSQUADRO:

Easy for you to say.

LEG. ROMAINE:

Yeah.

MR. MINEI:

That's the technical term.

LEG. ROMAINE:

At the bottom of this creek, that it is threatening the bay and other marine and aqua life there as well as other reasons.

MR. MINEI:

That's correct.

LEG. ROMAINE:

So this is what you would call a health situation even more so than a dredging situation.

MR. MINEI:

I would consider it a very significant, environmental adverse impact.

LEG. ROMAINE:

Okay, let me ask you this. Obviously •• I'm looking at this and I'm saying, "Wow, I know a heck of a lot of creeks that have this duck mess at the end, the bottom there." Have you done a survey of the creeks in this County where there were active duck farms such as in Eastport, East Moriches, the Southampton side of Eastport even?

MR. MINEI:

I haven't done a survey, although I've probably walked almost every foot of every stream in Suffolk County over my career. No, I have not done nor has my staff done a thorough evaluation of the amount of duck sludge in every creek, but it's pretty safe to assume in the East Moriches, Center Moriches, Eastport area where I believe there were 35 to 40 duck farms through the 50's and early 60's that this current condition is probably comparable to areas.

What makes this unique, though, is this is being done in the context of an effort called total maximum daily load evaluation, TMDL, under a Federal directive under Section 303•D of the Clean Water Act. So that's what makes this a little bit unique and it's being

evaluated in the context of 15 alternatives under that directive of the EPA. So that's what makes it somewhat unique.

LEG. ROMAINE:

While it may be unique, would this •• passage of this resolution obviously will create a desire for you to start evaluating some of the other creeks that you talked about where there was a tremendous amount of duck farms at one time just really laying it in to every creek that they strattled.

MR. MINEI:

Right. But what would happen if the Legislature doesn't agree with the overarching rationale is that we're talking about the possibility of infusing environmental concerns into the ten Dredge Screening Committee criteria that does not exist right now. And I was thinking particularly in Legislator Browning's area of Forge River, and they said, "Well, you have DPW on board, they're evaluating for Forge River, but only as it relates to the passage of a navigational channel, not to the environmental conditions of that surrounding area."

LEG. ROMAINE:

Well, Vito, I'll just end, because I know the Chairman wishes us to be brief, by saying, one, I'm supporting this resolution and, two, I'd like to talk to you about adding that environmental concerns as a criteria for dredging. Because I think it behooves us, if we're ever going to clean•up our waterways, to seriously take a look at that as a criteria for dredging.

MR. MINEI:

I would agree with you.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Good evening, Vito. As you know, the Legislature has been particularly protective of 477 funds. We only have a limited quality and I think most of us want to see them being used to the best degree to protect water quality. I guess my first question would be if we weren't using 477 funds for this project, would this inlet, would this creek be dredged anyway using a different funding source?

MR. MINEI:

I don't believe so. The last time it was dredged was in 1975. I think back in 1980 or so it was looked at but, quite honestly, on the face of it, it does not meet some or any of the ten criterion now for the Dredge Screening Committee. I know a large marina is there, so it is accessed by boats, we get our boat, the County monitoring boat quite far up that river to sample. So I don't think it will be dredged in any event.

What I was hoping you would envision would be that the 75,000 would be part of trying to enlist the Federal and State government with the mitigation for this TMDL issue I just mentioned, that's really the ulterior motive, if there is one, to show County commitment once again to rectifying these problems and in trying to attract Federal funds. My experience is what's the local commitment? Who cares about these areas, and what's the likelihood of success? This 75,000 would go a long way.

LEG. SCHNEIDERMAN:

So it's not navigationally impaired right now.

MR. MINEI:

No.

LEG. SCHNEIDERMAN:

Okay.

MR. MINEI:

There's a large, I would say very lucrative marina on the east •• you could see it from the graphic.

LEG. SCHNEIDERMAN:

No, that's okay. You know, I can imagine a lot of the creeks and inlets have •• either they have nitrogen from, you know, a similar situation as this or maybe from fertilizers or heavy metals from boats and hydrocarbons from gasoline and I just would hate to see 477 funds being used to pay for, you know, studying other dredging projects. It seems like legitimately this complies with the program, so let me just ask you, since these sediments, the duck muck is laden with nitrogen, where is it going to end up? Because my fear is it goes to some spoil site and nitrogen, which is water soluble, ends up right back in the creek.

MR. MINEI:

No, no, that's part of the evaluation. The feasibility study, number one, is to evaluate how much of this material has to be dredged. And in '75, I think we were talking a quarter of a million of cubic yards of material was removed. So you're talking probably a large amount of duck sludge that has to be removed, it does not constitute quality dredge spoil for the purposes of beach replenishment, so you're probably talking about a very costly, you know ••

LEG. SCHNEIDERMAN:

So it will be removed from site. Because I'm not sure how many Legislators are familiar with dredging projects, but typically this sludge is dewatered somewhere near that inlet and we just reintroduce the nitrogen, so ••

LEG. ROMAINE:

It sounds like the cap for the Riverhead landfill.

MR. MINEI:

That obviously is the main concern. That's what ••

LEG. SCHNEIDERMAN:

Okay, so that's part of the study. You've answered my question, I don't want to belabor the point. Thank you.

MR. MINEI:

Yeah, the feasibility study would be to look at any other ••

P.O. LINDSAY:

Thank you, Legislator Schneiderman. I feel like I'm up to my ears in duck sludge. Legislator Alden.

LEG. SCHNEIDERMAN:

Duck muck; you're stuck in the duck muck.

LEG. ALDEN:

I disagree with Legislator Schneiderman in that I don't believe we've been protective enough of the 477. And when I saw a dredging project, that's why I drew attention to

the fact that if we're just doing dredging projects and looking for a funding source, 477 is not appropriate.

I have a lot of respect for your work and your integrity. You're saying to us today that this project wouldn't have been done as a dredging project but for the health concerns and the health aspect of it.

MR. MINEI:

I'm saying we're introducing an environmental concern here. And again, what makes this unique from probably 40 or 50 other tributaries, is this Federal project, this TMDL issued exercise we're going through right now. So that's what elevates it to this point.

LEG. ALDEN:

Then can you tell us, our exposure, is it \$75,000, if we find out that there's a \$2 million dredge project, is that money going to come out of 477 or is that Federal funds that would go for that?

MR. MINEI:

Well, that's why I'm hoping that, again, with this kind of a feasibility study we make our case. And hopefully, if there is a price tag •• and it may not be unreasonable, even the number you're talking about or if we're taking it off•site •• that we're attracting Federal and State funds to address it because, again, it's a Federal initiative supported by the State DEC that we're undertaking right now.

LEG. ALDEN:

I'm going to give limited support to this today, but I'm just going to caution that if we're spending \$75,000 out of 477 for a feasibility study, okay ••

LEG. HORSLEY:

What's left?

LEG. ALDEN:

Right, now we're committing to another two or three million, we've already raided that fund, you know, and I'm not so sure we're going to have enough money to do the follow •up on this. So I'm going to give limited support to the feasibility study, hopefully the Feds will come through with the money.

LEG. HORSLEY:

Bill, can I ask a question?

P.O. LINDSAY:

We have a list. Legislator Vilorio•Fisher.

LEG. VILORIO•FISHER:

Hi, Vito. Thank you. And thank you for your presentation earlier, that helped to clarify this, but I want to go further with it.

We're trying to use this investment as leverage for other funds; is that correct, did I understand that.

MR. MINEI:

That's correct.

LEG. VILORIO•FISHER:

And that's for the feasibility study to see whether or not there is the level of offense to the environment that we suspect?

MR. MINEI:

Right.

LEG. VILORIO•FISHER:

And if we were to have to go ahead with the dredging, I would assume that the dredging would not be coming out of 477.

MR. MINEI:

Again, that's an issue for you to address. We have to come back to you, we have to seek sources of funding.

LEG. VILORIO•FISHER:

And that would be at a later time. But right now, when we're doing the assessment of the environmental impact of the duck sludge, this is an appropriate use of 477.

MR. MINEI:

And the evaluation of possibly other alternatives. Other places use aeration or capping

of sediments if dredging costs get truly out of hand. But I'm suspecting that we'll be coming back to you for a portion of the dredging costs, hopefully in the context of Federal and State funding.

LEG. VILORIA•FISHER:

Okay. Now, I've had some dredging done in my district and when we had 62,000 cubic yards of spoils it was really problematic, that's quite a bit of spoils. And I'm looking here at 249,482 cubic yards of duck sludge which no beach ••

MR. MINEI:

Thirty years ago.

LEG. VILORIA•FISHER:

Thirty years ago. So what you're saying is it would go through a desiccation process and then where would you put it?

MR. MINEI:

It depends on what the testing shows, whatever else is mixed in. You know, the main concern is nutrients, but obviously other things like stormwater runoff and other things get in there, the testing may show that it's not appropriate for land filling nearby. It's certainly not going to be appropriate for beach nourishment.

LEG. VILORIA•FISHER:

Right.

MR. MINEI:

I believe what happened 30 years ago is they hauled it to the ocean for discharge.

LEG. VILORIA•FISHER:

Now, is part of the evaluation of this study precisely that, whether or not dredging would be feasible because there would be such a great amount of sludge •• spoils that there would be no place to put it and capping would be more appropriate; is that what you're suggesting?

MS. WASHINGTON:

Sure, it's certainly part of the feasibility. The cost effectiveness of this solution, you have to balance the benefit of removing the duck sludge, possibly hauling it to the

ocean with a very high cost to it versus the impact of leaving it there. That's why it's being investigated in terms of other sources of nitrogen into Flanders Bay.

LEG. VILORIA•FISHER:

And if you were to have a feasibility study that indicated that this was a safety issue, a health and safety issue, and the Federal government were to provide the matching funds or the funds to do this, would you then expand it to include the other suspect areas as Legislator Romaine suggested earlier?

MR. MINEI:

Well, not in the course of this study, but I think where we were heading was would this be the model for possible future investigations. I'm thinking that Forge River being added to the priority water bodies list might be another site where we'll have to go through the same exercise; what's the impact, what's the sources of nitrogen to Forge River, what is the cost of dredging, more than just a navigational channel? But I don't see it as automatically opening the floodgates, so to speak, of looking at every stream that might have been impacted by duck sludge over time. It would probably be these priority areas that have been added to the State PWL, Priority Waterbodies List.

LEG. VILORIA•FISHER:

And the bottom line cost is \$75,000.

MR. MINEI:

For the feasibility study, yes.

LEG. VILORIA•FISHER:

For the feasibility. You're not going to tell us it's •• you know, you're not going to come back and say, "We need more money for the feasibility study."

MR. MINEI:

No.

LEG. VILORIA•FISHER:

And there are no matching funds at this time for this feasibility study.

MR. MINEI:

No, not right now, not for the study portion.

LEG. VILORIA•FISHER:

Okay. Thank you, Vito.

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

Yeah, I just had a quick question. If I may, a quick question on •• and I may have missed this, the timeframe of the Federal government's participation in this; what are they dictating at this point?

MR. MINEI:

Right now the TMDL is supposed to be established by the end of this year and we have a computer modeling firm that is looking at about 15 alternatives. We suspect that the Meeting House Creek, we know for a fact the Meeting House Creek and bottom sediments are a large component releasing nitrogen into the system. So it is anticipated that there will certainly be one of the alternatives that has to be addressed as part of that. The time frame for funding and mitigation is probably several years, two to five years.

LEG. HORSLEY:

Okay. But you've got to have the study done before this actually takes place, before the end of the year?

MR. MINEI:

We're going to be into the process. But I'm telling you, knowing 30 years of investigating this area, that one of the major alternatives and mitigating factors will be relieving the input from Meeting House Creek as part of the overall nitrogen loading two Western Flanders Bay.

LEG. HORSLEY:

Okay. I think you're right about the 30 •• what they used to do with it, it was ocean.

MR. MINEI:

Yeah. I would just suggest to you, Legislator Horsley, that this might be a good

prototype for Frederick Canal as well; that's an example of where we're ••

LEG. HORSLEY:

Exactly what I was thinking.

MR. MINEI:

Okay; there's something about brilliant minds.

LEG. HORSLEY:

There you go. Thank you.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Vito, I'm looking at the aerial, I just have a couple of quick points. Is Corwin Duck Farm still an operating duck farm?

MR. MINEI:

Yes, that and _Jirglewits_ are probably the two large •• well, by far, there's a third one, a small one, but it's still operating, but it does not discharge directly into the stream like it did for probably 70 years.

LEG. KENNEDY:

It appears that there's several holding tanks here where I imagine that waste is distributed to settled and then percolated out.

MR. MINEI:

Well, just very quickly, I'm hoping most people have eaten dinner already, but their aeration lagoon is to the right center of that. Most of the waste goes in there, is airated, goes to another treatment process that Bond Act money was used to upgrade that treatment plant •• it's one of the few instances where private entities can qualify for that •• and then there's a series of polishing using wetlands treatment that the Soil & Water Conservation people put in. But there's no longer any direct discharge from that treatment plant into the stream itself, but there still is nitrogen coming through ••

LEG. KENNEDY:

Groundwater, right.

MR. MINEI:

•• so that still has to be evaluated.

LEG. KENNEDY:

Obviously it's being discharged into the groundwater where the flow is down into the creek.

MR. MINEI:

Very close, right.

LEG. KENNEDY:

The other thing appears to me to be that there are several sod farms that are in general proximity here, generally which operations of sod farms involve nitrates, fertilizers and things such as that. Do you have any indication at all at this point as far as, you know, where contribution as far as the elevated nitrogen level is coming, vis•a•vis the operation of an ongoing existing duck farm and all of the agriculture?

MR. MINEI:

No, we do; in fact, that's being evaluated. The impact of groundwater throughout the Peconic River, Flanders Bay watershed, the impact of agriculture to groundwater, ultimately to the streams, and also the continuing impact of the duck farm. I can tell you now that the •• that that area right by the duck farm, when I was measuring it in the 70's probably had 60 to 80 parts of nitrogen, it's down around eight to ten parts of nitrogen getting into the stream from the duck farm as it goes through these treatment processes. So it's dramatically reduced, but you're correct, there are other sources that have to be evaluated, but that's all done under this TMDL process. But the question was am I trying to presage that the removal of this duck sludge would still be a component of attainment on that TMDL and my point is yes, the answer is yes.

P.O. LINDSAY:

Legislator Vilorio•Fisher.

LEG. VILORIA•FISHER:

I promised the Chair it would be a very quick question. Very quick question; if we were not to move forward with this feasibility study and then subsequently the dredging or

whatever other mitigating process we have, would •• it says here that we're in violation of the Clean Water Act; would we be then subject to sanctions?

MR. MINEI:

Yeah, I think so. I mean, what will happen is •• essentially the Federal government has established that whatever good works Suffolk County and the townships have done with the Riverhead Treatment Plant, with the Aquarium, with the duck farm, with working with the Farm Bureau, etcetera, is all well and good, but we're still violating the surface water standards and, therefore, we have to come up with a plan to address and mitigate those continuing sources. What those sanctions would entail with regard to duck sludge remains a question. What will still remain if we don't do this feasibility study is that there will remain no environmental criteria in the County Dredge Screening Committee guidance to the Leg.

LEG. VILORIA•FISHER:

Thank you.

P.O. LINDSAY:

Okay.

LEG. VILORIA•FISHER:

I make a motion to approve.

P.O. LINDSAY:

I think we already had a motion and a second; didn't we?

LEG. VILORIA•FISHER:

That was to take it out of order.

MS. ORTIZ:

No, that was to take it out of order.

LEG. VILORIA•FISHER:

Yeah, that was to take it out order.

MR. LAUBE:

You still need a motion.

P.O. LINDSAY:

Huh?

MR. LAUBE:

You need a motion and a second.

P.O. LINDSAY:

Okay. Motion by Legislator Vilorio•Fisher, second by Legislator Romaine.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator.

LEG. ALDEN:

Now we have to have the debate on the motion. Sorry.

P.O. LINDSAY:

I don't care. This is to approve.

LEG. VILORIO•FISHER:

Yes.

P.O. LINDSAY:

Okay.

LEG. LOSQUADRO:

Which one is this?

P.O. LINDSAY:

1237, 1237, duck, duck, doo•doo. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

MR. MINEI:

Thank you.

P.O. LINDSAY:

Thank you very much.

Okay, moving right along. No, we're not breaking for dinner, forget it, go get some water and bread.

LEG. MYSTAL:

I have been asked by legislator Eddington, where's the pizza?

P.O. LINDSAY:

To the consent calendar. Do I have a motion on the consent calendar?

LEG. VILORIA•FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría•Fisher. Do I have a second?

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Second by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

Introductory Resolutions, Budget & Finance, 1168 ••

LEG. VILORIA•FISHER:

No, tabled resolutions.

P.O. LINDSAY:

Oh, Tabled Resolutions:

LEG. VILORIA•FISHER:

There's only two.

P.O. LINDSAY:

Okay, only two.

2022•05 • Making a SEQRA determination in connection with the proposed Francis S. Gabreski Airport redevelopment of LI jet Center East, Inc., Town of Southampton (Presiding Officer Lindsay). Did we table that already?

LEG. VILORIA•FISHER:

No.

LEG. HORSLEY:

We didn't do it, but that's what ••

LEG. SCHNEIDERMAN:

No, we haven't tabled it yet.

LEG. VILORIA•FISHER:

Jay wants to ••

P.O. LINDSAY:

Jay?

LEG. SCHNEIDERMAN:

We haven't had a motion. My question before was how can we get this back to SEQRA because •• back to CEQ, rather, because it appears from the testimony that they may have overlooked certain aspects of this project. Is there a procedural way to refer it back to CEQ to take a second look at it; remand it, so to speak?

LEG. MYSTAL:

Yes, there is; kill it and then refile the bill.

P.O. LINDSAY:

I believe that there was a request from the County Executive's Office to table it and there's some ongoing discussions with the community groups among some other issues. Is that what the intention of the Executive is?

MR. ZWIRN:

That's correct, there's no urgency in this.

LEG. SCHNEIDERMAN:

No, I understand that. I still would appreciate it if somebody can answer that question; is there a procedural way to remand it back to CEQ to make sure they fully consider the environmental impacts?

P.O. LINDSAY:

Well, I think you just got your answer, is that you would have to vote it down, it would have to be reintroduced and go through the process again.

LEG. ALDEN:

Or ••

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

We can try this, and I'll run it past Counsel; a Procedural Motion to request SEQRA to relook at 2022 and answer specific questions.

LEG. VILORIA•FISHER:

Okay, that's a good idea.

LEG. SCHNEIDERMAN:

A Procedural Motion to ask CEQ to ••

MR. NOLAN:

I don't even know if you would have to do anything that formal. The EPA Committee could probably write a letter to CEQ to ask them to take a second look at it, I don't know

that you would have to do a resolution or a Procedural Resolution.

LEG. SCHNEIDERMAN:

Could we then recommit this rather than table it and get it off our agenda and not see it until it's ready?

LEG. VILORIA•FISHER:

I'll second to recommit.

LEG. SCHNEIDERMAN:

So I would make a motion to recommit this to Environment, is that ••

LEG. ALDEN:

It's going back to you, Vivian.

LEG. VILORIA•FISHER:

Back to me.

LEG. ALDEN:

Okay.

LEG. VILORIA•FISHER:

And that way I can write a letter because it will be back in my committee and I would write a letter asking CEQ for another review.

LEG. SCHNEIDERMAN:

Okay.

LEG. VILORIA•FISHER:

Okay, Counsel, does that make sense?

MR. NOLAN:

It makes sense.

P.O. LINDSAY:

Okay. We have a motion to recommit.

LEG. SCHNEIDERMAN:

And a second, right?

P.O. LINDSAY:

And a second. I'm still going to make a motion to table and I'll tell you why. It's because some of the testimony that we heard tonight wasn't totally accurate in terms of this facility being in the core Pine Barrens area; I believe it's split out there as when we toured that facility, it is not all core.

LEG. SCHNEIDERMAN:

It's not all core. It's compatible growth, some of it.

P.O. LINDSAY:

I am certainly sympathetic with the community in terms of taking a very close look at the development of the airport, but I'm also very sensitive to how long the airport has laid so dormant there and has cost us so much money for so many years, and I would hate to stifle any progress that we're making there

LEG. HORSLEY:

I'll second your motion to table.

LEG. SCHNEIDERMAN:

I don't want to vote against the tabling motion for fear that it might be construed that I supported approving the project. Would you, Mr. Presiding Officer, be so inclined as to •• if we table it, to make the request of CEQ to take a look at this rather than having Vivian do it, if it's not in her committee?

P.O. LINDSAY:

Yes, I'd be happy to do that.

LEG. SCHNEIDERMAN:

Okay. In that case, I'll withdraw my motion to recommit.

P.O. LINDSAY:

Okay. We have a motion to table and a second.

LEG. VILORIA•FISHER:

On the motion?

P.O. LINDSAY:

On the motion.

LEG. VILORIA•FISHER:

Mr. Chair, regarding timing. CEQ meets tomorrow, it's not going to be meeting again until the third week of next month, so tabling it or recommitting it really are six of one and half dozen of another, I just wanted to point that out. It doesn't expedite it any further, I don't believe. Although if it were recommitted and sent to CEQ, that might •• that would be where the hold•up would be; if they ask for a full environmental impact statement it would hold it up.

P.O. LINDSAY:

I would still prefer to table it with this proviso, that maybe, you know, with some consultations between the Executive's Office, the community and CEQ, you know, maybe we could prevail on them to call a special meeting to look at this issue.

LEG. SCHNEIDERMAN:

If I might. As there are negotiations between the County Attorney's Office and Long Island Jet and I don't think they finalized a lease, so this may be a considerable amount of time which is one of the reasons why I thought having it in the committee was better than revisiting this each month. But if you are willing in the interim to send that letter to CEQ, whether they look at this month or next month doesn't seem to matter, then I guess then next month we would table it again if CEQ hasn't had time to review it. I'm okay with that.

P.O. LINDSAY:

Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Not Present: Legislator D'Amaro).

P.O. LINDSAY:

It's carried.

IR 1139•06 • Amending the Suffolk County Classification & Salary Plan and the 2006 Operating Budget in connection with a new position title in the Department of Public Works (Public Works Capital Project Manager)(County Executive). Do we have ••

LEG. SCHNEIDERMAN:

I'd like to make a motion to recommit this to Ways & Means so they can look a little bit more carefully at the title and the qualifications.

LEG. ALDEN:

Well, it would be Labor & Workforce.

LEG. SCHNEIDERMAN:

Was it •• I'm sorry, it was in Labor, Workforce & Affordable Housing; is that where it came out?

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

Second that motion.

LEG. COOPER:

I'd like to make a motion to table.

P.O. LINDSAY:

Okay, we have a motion to recommit, a second to recommit, a motion to table.

LEG. ROMAINE:

That takes precedence.

P.O. LINDSAY:

Do we have a second?

LEG. MYSTAL:

Second.

P.O. LINDSAY:

Second by Legislator Mystal to tabling.

LEG. CARACAPPA:

Recommit takes precedence.

MR. NOLAN:

No, table.

P.O. LINDSAY:

Counsel is telling me the tabling motion takes precedence, so we'll vote on that first. All in favor of tabling? Opposed?

LEG. KENNEDY:

Mr. Chair, on the motion?

P.O. LINDSAY:

We're in the middle of a roll, you know, of a count.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

Opposed?

LEG. SCHNEIDERMAN:

I'm opposed to tabling,

MR. LAUBE:

Can I get a show of hands?

P.O. LINDSAY:

One opposition to table.

LEG. LOSQUADRO:

Opposed.

P.O. LINDSAY:

Two.

LEG. SCHNEIDERMAN:

Only because I really think the committee •• on the motion, I just really think that the committee needs to look at this more carefully.

P.O. LINDSAY:

I hear you. So we have two opposed to tabling. Any others? Three, four, five.

LEG. MYSTAL:

Roll call.

P.O. LINDSAY:

Six, roll call.

MR. LAUBE:

Roll call to table.

(*Roll Called by Mr. Laube • Clerk*)

LEG. COOPER:

Yes to table.

LEG. D'AMARO:

(Not present).

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No, none of my questions have been answered from last meeting.

LEG. BARRAGA:

No.

LEG. ALDEN:

Pass.

LEG. MONTANO:

Yes to table.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

No to table.

LEG. CARACAPPA:

No to table.

LEG. BROWNING:

Yes to table.

LEG. SCHNEIDERMAN:

No to table.

LEG. ROMAINE:

No to table.

LEG. VILORIA•FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. ALDEN:

No to table.

MR. LAUBE:

Nine.

LEG. SCHNEIDERMAN:

Motion to recommit.

P.O. LINDSAY:

Okay, the tabling fails. We have a motion to recommit and a second.

MR. LAUBE:

Wait, who was the motion to recommit, Schneiderman?

LEG. SCHNEIDERMAN:

I made the motion to recommit.

P.O. LINDSAY:

Motion to recommit by Legislator Schneiderman and seconded by Legislator Losquadro. I'm going to try and do away with the roll call. On the issue of the recommit, you want to talk?

LEG. MONTANO:

Yes. What happens if the recommit fails, where does it go?

P.O. LINDSAY:

It's not going to fail.

LEG. ALDEN:

Cyber space.

LEG. MONTANO:

No, seriously, legally.

LEG. SCHNEIDERMAN:

Then we have to vote on the motion.

LEG. MONTANO:

Does it die?

LEG. SCHNEIDERMAN:

No, if it fails then it's before us.

LEG. LOSQUADRO:

Take another motion.

LEG. ALDEN:

You can't do another motion to table, though.

LEG. MONTANO:

That's what I'm saying.

LEG. CARACAPPA:

Table to a separate date.

P.O. LINDSAY:

Right. Before we get ahead of ourselves, we have a motion to recommit. All in favor of recommitting?

LEG. MYSTAL:

Roll call.

P.O. LINDSAY:

No, we don't need a roll call. In favor? Opposed? Any opposition? No opposition, it carries.

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

LEG. ALDEN:

All right.

LEG. HORSLEY:

There's no win on that one.

LEG. MYSTAL:

Jay, you're going to die before the night is over, you know that.

LEG. SCHNEIDERMAN:

I'm not going to die on this.

P.O. LINDSAY:

Okay, **Budget & Finance:**

1168 • Amending the 2006 Operating Budget and transferring funds for Long Island Cares (Kennedy). Do I have a motion?

LEG. KENNEDY:

I make a motion to approve.

LEG. COOPER:

Second.

LEG. ROMAINE:

Second.

LEG. NOWICK:

Second.

P.O. LINDSAY:

Who was the second?

LEG. VILORIA•FISHER:

Lynne.

P.O. LINDSAY:

Legislator Nowick. On the resolution, anybody? No. Okay, all in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

1176•06 • Amending the Adopted 2006 Operating Budget and transferring funds for various contracted agencies and to the Downtown Revitalization Program (CP 6412)(Alden).

LEG. ALDEN:

Motion to approve.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Legislator Alden makes the motion, Montano seconds it. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

IR 1227•06 • Amending the 2006 Operating Budget and transferring funds to various contract agencies (Caracappa). Legislator Caracappa, you want to make the motion?

LEG. CARACAPPA:

Yeah, motion.

LEG. ALDEN:

Second.

P.O. LINDSAY:

Second •• Legislator Caracappa makes the motion, second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

IR 1231•06 • Amending the Adopted 2006 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2006 Capital Budget and Program, appropriating funds in connection with and authorizing acquisition of land under the new Suffolk County Drinking Water Protection Program for the Loughlin Property • 5.0+/- acres under the Open Space Component • 5.0 +/- acres under the Farmland Development Rights Component (Town of Islip • SCTM No. 0500•357.00•03.00•033.000)(County Executive).

LEG. VILORIA•FISHER:

Are you making the motion, Bill?

P.O. LINDSAY:

I'm making the motion.

LEG. VILORIA•FISHER:

Second.

LEG. ALDEN:

Just quickly on the motion?

P.O. LINDSAY:

Yes, Legislator Alden.

LEG. ALDEN:

I had brought up the question why we weren't using the old Quarter Cent, that question was answered in that we don't have enough money for this full acquisition in the Quarter Cent out of the Islip portion. So I'm going along with using 477.

P.O. LINDSAY:

Thank you, Legislator Alden. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

Thank you.

IR 1237•06 • Amending the Adopted ••

MR. LAUBE:

You did that one.

P.O. LINDSAY:

Oh, we did it already, okay.

1241•06 • To establish the Homeowners Tax Reform Commission (Nowick).

Legislator Nowick, you want to make the motion?

LEG. NOWICK:

Motion.

P.O. LINDSAY:

And I'll second the motion.

LEG. MONTANO:

Cosponsor.

P.O. LINDSAY:

Cosponsor. Any discussion?

LEG. SCHNEIDERMAN:

Yeah, on the motion.

P.O. LINDSAY:

Yes.

LEG. SCHNEIDERMAN:

In general I support the goals of trying to find more equitable formulas for funding schools, etcetera.

LEG. HORSLEY:

Cosponsor.

LEG. VILORIA•FISHER:

Renee, you have me?

LEG. SCHNEIDERMAN:

My district has benefitted very much by the current formula in the sense that in some of my •• some of the areas like East Hampton, Southampton, a majority of the homes are second homes, and though we don't •• there's no income tax, they often live in New York City and other areas, we do receive tremendous amounts of property tax which really makes it possible to provide a high quality of education in those areas.

And so one of the RESOLVED clauses, the first RESOLVED clause kind of puts the primary focus on replacing real estate taxes with income taxes, and I just feel to protect the needs of my district it's important that I abstain on this. And I know that may not end up being the recommendation of this, I'm not sure where it's going to go, but the fear that we somehow would move from a property tax to an income tax could be so devastating that I feel the need to abstain.

P.O. LINDSAY:

Well, just to •• if I might answer. First of all, I certainly would accept your abstaining from the issue, but the commission is going to look at all kinds of alternative funding, not just the replacement of a real estate tax with an income tax, that's number one.

Number two, when they do look at •• that's one of the things they're going to look at, it's •• you know, it's been •• I already have an outline, it's a modified replacement, it would only be on owner occupied residences. Second homes would still stay on the real estate rolls as well as commercial, industrial property, rental units, only on owner occupied properties, because it's a tremendous flaw •• only occupied residents, owner occupied residents. It's a tremendous flaw if we were to remove the second homes from

the tax roles and it would be devastating to particularly your district, Legislator Schneiderman, but also to a lot of other areas of Suffolk County.

LEG. SCHNEIDERMAN:

That's my concern.

P.O. LINDSAY:

Okay.

LEG. NOWICK:

Mr. Chairman?

LEG. SCHNEIDERMAN:

But, you know, I applaud the general goals of this legislation.

P.O. LINDSAY:

Okay, Legislator Alden.

LEG. ALDEN:

I believe that what we're going into is a realm of school district taxes because that's pretty much •• you know, 70% of most of the taxes in my Legislative District are school district taxes and we don't have any direct responsibility nor do we have any direct fundamental foundation in law to go one way or the other with that. So then once we get this report back, we're put in the unique position of what do we do with that; we send up a Sense Resolution? But we eliminated Sense Resolutions, so for that reason I am going to be abstaining on this study. I think we're going into a realm that doesn't •• it really doesn't •• it doesn't involve us.

P.O. LINDSAY:

If I could. You're absolutely correct, it's the purview of the school districts and the school boards and the State. The problem is that the school districts do not have the regional ability to address it and the State seems to •• I wouldn't say ignore it, but seems to forget our region of the State. And I think you will agree with me that it's probably the number one problem that we face because it all blends into the housing quagmire, and it wouldn't be the first time where we stuck our nose someplace where we didn't have jurisdiction. Legislator Nowick.

LEG. NOWICK:

Yeah, just let me address two things. Legislator Schneiderman, just so you know, you allude to the income tax being first and foremost; in my opinion, this commission is not to research and look into collecting taxes through income tax, that would be one of the things. If you read the resolution, it would include sales and mortgage taxes, a lottery system, anything they can think of, a combination thereof. I in no way set up any of these ideas, I support none of them because our commission hasn't looked for the answers yet. So I'm not saying that I support any of them.

And to answer Legislator Alden's question, you're right, we don't have jurisdictions. However, if we set up this commission, if we have these stakeholders and these people that we can • I want to say maybe not experts but people that know about real estate taxes and about school taxes, and if you see the commission it's very varied. However, when the commission is finished with their findings, which should be in six months, I was • I understand that we don't have any jurisdiction, but how can we then go to our State Legislators? If we don't have the answers we can't go to our State Legislators.

Now, the other day when I was sitting in committee, I listened to Legislator • I'm going to say the name wrong.

LEG. BARRAGA:

That's all right.

LEG. NOWICK:

Barraga; how do you say it?

LEG. ALDEN:

Which do you like, Tom?

LEG. BARRAGA:

It's Barraga, but most people say Barraga.

LEG. ALDEN:

I'm guilty of that, sorry. I do it both, though.

LEG. NOWICK:

Barraga. I was listening to Legislator Barraga who said to us in the committee, "Don't

send a Sense Resolution, it goes in the garbage pail. A Memorializing Resolution goes in the garbage pail. However, write a letter to your Senator, to your Assembly person, because that letter will get read." So if we have the answers as a Legislature, why can't all of us write to our Assembly people and to Senators and say, "This is the way we feel, this is the way our people feel." So that's the only way we would get our answers and we would get to the State.

LEG. ALDEN:

(Inaudible).

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

There is a long history with reference to what should be done with regard to the distribution of State educational aid in the State of New York. I mean, going back 25, 30 years, you had the _Rubin_ Commission, the _Fleishman_ Commission and the _Salerno_ Commission; the answers are already there in all those commissions. But the hard reality is that in every State of the Union except Hawaii, there is a marriage between the property tax and the income tax, all right; one is dependent upon the other in the distribution of State aid to education. The problem down here in Westchester, New York City, Nassau and Suffolk County is the distribution, there is no regional cost taken into consideration, it costs a great deal on the school district out here on Long Island than it does in Plattsburgh and _Messina_ and other parts of the State, but we don't get the differential based on any sort of an index for regional cost in the formulas. The key formula has always been the operating aid formula. If \$16 billion is coming down here to us from the State of New York, 11 billion comes in the operating aid formula and there's nothing in that formula that says we get a little bit more because of the cost of living down here. And we would benefit in Suffolk, in Nassau as well as New York City, but once you get above Westchester County the whole arena changes. Because in _Messina_ when they get a dollar we get a dollar, and they don't want to give up but they have. So the answers are there but the continued frustration exists with your constituents.

So I say let this commission do what it has to do. They're going to come in with certain recommendations, and as Mr. Alden indicates, probably way beyond our purview. At least they could be forwarded to the State as further proof in addition to _Fleishman_

and _Salerno_ and _Rubin_ that this commission has found out what those commissions have found out, that there isn't an equitable distribution of State aid and it can be fixed if the Legislature has the will to fix it. And when you follow this campaign for fiscal equity in the State of New York where the Court of Appeals said basically we owe New York City another \$5 billion over and above what it receives. Well, regional costs would go a long way to achieve that objective, but as they benefit we benefit out here, but that's never been the case. This is only going to cost a few thousand dollars, they might come up with something unique or novel that other commissions didn't, but it should be allowed to go forward.

LEG. HORSLEY:

All right, Tom.

P.O. LINDSAY:

Thank you very much.

LEG. ALDEN:

Go Tom.

LEG. SCHNEIDERMAN:

Again, if I may. I'm certainly not disagreeing that there are noble goals behind this commission. The first RESOLVED clause, though, does establish the commission to contemplate moving away from a real estate tax to an income tax, and in my district that thought would be so devastating to my constituents because of the predominance of second homes that I just find myself in the position of not wanting to be said that I voted in favor of creating a commission to study that particular issue.

LEG. NOWICK:

We understand.

LEG. SCHNEIDERMAN:

It's a little bit of a catch•22.

P.O. LINDSAY:

So you already abstained.

LEG. SCHNEIDERMAN:

So I'm abstaining.

LEG. NOWICK:

I agree.

P.O. LINDSAY:

Anybody else? Okay. 1241, we have a motion and a second. All in favor? Opposed? One abstention, two abstentions, Alden and Schneiderman.

MR. LAUBE:

15 (Abstentions: Legislators Alden & Schneiderman • Absent: Legislator D'Amaro).

P.O. LINDSAY:

Okay, ***IR 1242•06 • Transferring contingent funding for various contract agencies (Phase I)(Presiding Officer Lindsay).***

LEG. VILORIA•FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría•Fisher and I'll second that motion. All in favor? Opposed? Abstention?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

Economic Development, Higher Education & Energy:

IR 1153•06 • To evaluate the feasibility of establishing a renewable energy park on County property (Cooper).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Legislator Cooper makes a motion.

LEG. VILORIA•FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría•Fisher. Any discussion? All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

P.O. LINDSAY:

One abstention, Legislator Alden; you have that, Mr. Clerk?

MR. LAUBE:

16 (Abstention: Legislator Alden • Absent: Legislator D'Amaro).

P.O. LINDSAY:

1238, I am going to pass over it because I understand it's defective. We have a CN in the packet addressing the same issue?

LEG. MYSTAL:

Yeah.

P.O. LINDSAY:

Okay.

Procedural Motion No. 1•06 • Procedural Resolution authorizing continued funding of law firm in connection with enforcement of LIPA settlement agreement against LIPA overcharge of Suffolk ratepayers (Horsley). Legislator Horsley, what's your pleasure?

LEG. HORSLEY:

Move.

P.O. LINDSAY:

Motion.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

Do I have a second? Second by Legislator Mystal.

LEG. KENNEDY:

Mr. Chair, can I just get an explanation?

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Can I just get an explanation from Counsel, what the effect of this would be?

MR. NOLAN:

The title is a little bit misleading because it's not approving additional funding. The funding was already approved by a Procedural Resolution last year, however, it approved the funding for a firm that had four partners, now there are three partners; this resolution is just making that correction so that we can pay the bills.

LEG. KENNEDY:

So in other words, this firm is currently representing us in an active suit that's ongoing?

MR. NOLAN:

And has been for quite some time.

P.O. LINDSAY:

Has been for a number of years.

LEG. KENNEDY:

Okay. Thank you.

P.O. LINDSAY:

Okay? All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Negative.

P.O. LINDSAY:

Negative, one negative.

MR. LAUBE:

16 (Opposed: Legislator Barraga • Absent: Legislator D'Amaro).

P.O. LINDSAY:

Environment, Planning & Agriculture:

1160•06 • Appointing Vivian Viloría•Fisher as a member of the Suffolk County Soil & Water Conservation District (Presiding Officer Lindsay). I'll make the motion.

LEG. LOSQUADRO:

I will second.

P.O. LINDSAY:

Second by Legislator Losquadro. All in favor? Opposed?

LEG. VILORIA•FISHER:

Recuse.

P.O. LINDSAY:

One abstention because of recusing herself. You want to us.

MR. LAUBE:

16 (Recused: Legislator Viloría•Fisher • Absent: Legislator D'Amaro).

P.O. LINDSAY:

All right, ***1193•06 • Authorizing planning steps ••***

LEG. NOWICK:

Motion.

P.O. LINDSAY:

•• *for the acquisition under Suffolk County Multifaceted Land Preservation Program (Mills Pond Property) Town of Smithtown (Nowick).* Did I hear a motion?

LEG. NOWICK:

You did.

P.O. LINDSAY:

Oh, I wonder •• there's a motion by Legislator Nowick.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy. Any discussion? All in favor?

Oh, wait, you have a comment on this.

MR. ZWIRN:

Just a comment.

P.O. LINDSAY:

Yes.

MR. ZWIRN:

This property, as Planning pointed out, we're not opposed to this planning steps resolution, it's a two acre parcel, but the Town of Smithtown, it was pointed out at the committee, owns most of the property around this location. And it was suggested that Legislator Nowick reach out perhaps to the Town of Smithtown that may be able to partner with this.

LEG. NOWICK:

I can comment on that; good luck.

LEG. ALDEN:

One quick follow•up?

P.O. LINDSAY:

Well, the only other thing that I wanted to suggest, when you make that suggestion you should ask if they would like to donate it for affordable housing.

LEG. VILORIA•FISHER:

It would have to be built on stilts.

LEG. ALDEN:

One quick comment.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

And I'm just going to throw this over to the sponsor; is any part of this, you know, do you have ponds or creeks?

LEG. VILORIA•FISHER:

Yes.

LEG. NOWICK:

Yes. Actually there's a beautiful little pond there that is right on the corner of Moriches Road and, what is it, Mill Road.

LEG. ALDEN:

Is there an urgency then to move forward with this?

LEG. NOWICK:

Yes.

LEG. ALDEN:

And I'll just ask, have you looked at your old Water Quality Protection Fund for the Smithtown area?

P.O. LINDSAY:

It's only planning steps, though, they haven't identified a funding source.

LEG. ALDEN:

No, I know, but when you go through •• they would put a funding source in it, though.

LEG. NOWICK:

I have to say that I have not looked at that. You're right, there is a pond there, the urgency is that it's going up for sale and it's probably going to be sold to a developer. And it's a beautiful little piece of property, it's actually been there for years and years, we used to skate on it.

LEG. ALDEN:

If it gets past these steps, then possibly if you can include in the acquisition, you know, take a little bit of the strain off of the other funds, maybe just use that the money that you have in the old Quarter Cent Drinking Water Protection Fund.

LEG. NOWICK:

We can certainly look into that.

LEG. VILORIA•FISHER:

Mr. Chair?

MR. ZWIRN:

Just in light of that, there is a sizeable amount of money still in that fund.

LEG. NOWICK:

Counsel, we can look into that when the time comes?

MR. NOLAN:

Certainly.

LEG. NOWICK:

Okay, thank you.

P.O. LINDSAY:

Legislator Vilorina•Fisher.

LEG. VILORIA•FISHER:

The good luck comment notwithstanding, I will encourage Legislator Nowick to try to reach out to Smittown because, you know, I live very close to this area as well and that particular pond has a tendency to flood and go into the roadway, and so it does require expenditure of monies. And I would like to have the maintenance at least covered by the Town of Smittown and help us with that end of it.

LEG. NOWICK:

Legislator Fisher, it's interesting you say that because I don't know, and maybe you know, if the pond floods or is it that the engineering on the road sinks lower; I'm not so sure what it is.

LEG. VILORIA•FISHER:

It's a mighty pond when it floods, yeah.

LEG. NOWICK:

Yeah, because that's a little pond, I'm not so sure that's what it is, but I'll look into it.

LEG. ALDEN:

It might be Brookhaven, though, with their engineering.

P.O. LINDSAY:

The flood, the flood goes to Brookhaven.

LEG. NOWICK:

Listen, I will go out on a limb and I will contact the Supervisor and the Town Board.

LEG. HORSLEY:

Here here; second the motion.

LEG. VILORIA•FISHER:

We'll take him to lunch, Lynne.

P.O. LINDSAY:

Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

1222•06 • Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program (Riverside Drive Property • Town of Riverhead)(Romaine).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine, second by Legislator Schneiderman.

LEG. VILORIA•FISHER:

Ben is back.

MR. ZWIRN:

Just a short comment.

P.O. LINDSAY:

Okay.

MR. ZWIRN:

IR 1222 is a planning steps resolution for the acquisition of approximately 55 to 60 acres located in the hamlet of Riverhead. Much of this site was already approved for planning steps in Resolution No. 346 in 2002 under the same new Drinking Water Protection Program. There are about an additional four acres that have been added to this site. So this is •• what I had asked at the committee was that perhaps Legislator Romaine could identify those four new parcels, the 30 lots but it comes out to less than four acres, but the majority of this property has already been done by planning steps resolution back in 2002. And the only concern we have is that we're going to have planning steps resolution on top of planning steps resolutions and it makes the Department of Real Estate have a more difficult time; I mean, that was discussed at committee.

P.O. LINDSAY:

Okay, Legislator Viloria•Fisher would like to comment. Did you want to comment, too, Legislator Romaine?

LEG. ROMAINE:

I'll wait for Vivian.

P.O. LINDSAY:

Okay.

LEG. VILORIA•FISHER:

Thank you, Ben. Ben did express at the committee, as did Tom Isles. However, because this is including five additional acres and it does constitute an entire parcel, the five acres are pretty centered in this, we didn't feel that it was duplicative and that the •• it wouldn't cause confusion with the Department of Real Estate. And as the Chair of the committee, I did move the resolution because it makes sense to see it as a whole and keep the integrity of the entire 55 parcels in one planning steps.

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

Okay. No other discussion? We have a motion and a second.
All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

IR 1230•06 • Authorizing acquisition of land under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks Fund • Open Space Component • Dovalle Property • Forge River Watershed (Town of Brookhaven, SCTM No. 0200•825.00•01.00•004.000 and 005.000) (County Executive).

LEG. BROWNING:

I make a motion.

P.O. LINDSAY:

Legislator Browning makes a motion. Do I have a second?

LEG. ROMAINE:

Second.

P.O. LINDSAY:

I'm going to give that one to Legislator Eddington, if you don't mind, the second. On the issue, any questions? Okay, all in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

IR 1232•06 • Authorizing acquisition of land under the Suffolk County Save Open Space Farmland Preservation and Hamlet Parks Fund • Open Space Component • Schwabe Property • Noyack Greenbelt Addition (Town of Smithtown, SCTM No. 0900•035.00•02.00•054.005(County Executive).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Do I have a second?

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second; where was that?

MR. NOLAN:

Romaine.

P.O. LINDSAY:

Romaine. On the question, all in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

Health & Human Services:

1212•06 • Creating a Public Health Nursing Task Force (Viloria•Fisher). Do I have a motion?

LEG. VILORIA•FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloria•Fisher.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

Second by Legislator Mystal.

MR. ZWIRN:

If I might have a ••

P.O. LINDSAY:

Go right ahead.

MR. ZWIRN:

Thank you, Mr. Presiding Officer. The County Executive just asked me to put on the record that he has a bit of a different philosophy with respect to this, this Public Health Nursing Task Force. Because the goal is to find if the Public Health Nurses are cost effective; we don't have to wait six months to find that out, we believe that they are cost effective because they keep people out of hospitals and medical care costs go down.

He has issued an RFP to take a look at the Public Health Nursing Department to see how it can be improved in the delivery of services across the County, and that's a top to bottom look by an outside consultant. So that's where the philosophy differs. The only thing that he had that was a question was the makeup of the committee because it's eleven members and six of the eleven members are Public Health Nurses. So if you wanted a fair, broad look at the issue, it might have had a little bit different makeup.

LEG. VILORIA•FISHER:

Okay, if I may just respond.

P.O. LINDSAY:

Go right ahead, Legislator Viloria•Fisher.

LEG. VILORIA•FISHER:

Where you're seeing in the first •• in the second RESOLVED, the first category which is five members to be chosen from the Public Health Nurse professional advisory committee, those are not Public Health Nurses. They're in the Public Health Nurse Professional Advisory Committee, but that committee is constituted of social workers, a Director of Intervention Program, a Director of a not•for•profit, a retired New York City Police Officer and volunteer fire fighter, so the constitution of that advisory committee is not all Public Health Nurses.

We do have the representation of Health, Department of Health Services, a representative chosen by the Presiding Officer, a representative chosen by the Minority Leader, a representative chosen by the Chair of Health & Human Services and a representative chosen by the County Executive. And so I don't think that there's any problem with the balance to this. And we have seen and I certainly have seen over the years under this administration, the previous administration that this particular program has come under attack and I would like to have objective criteria to show the cost benefit of this program. So I believe that this is an important task force to go •• with which to move forward.

LEG. NOWICK:

Tim, cosponsor.

LEG. SCHNEIDERMAN:

Tim, put me down as a cosponsor too.

LEG. ROMAINE:

Cosponsor, Tim.

P.O. LINDSAY:

Okay, we have a motion and several cosponsors.

LEG. ALDEN:

Cosponsor.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. STERN:

Cosponsor.

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

LEG. VILORIA•FISHER:

Thank you.

P.O. LINDSAY:

1234•06 • Requesting legislative approval of a contract award for oral surgery services for the Department of Health services, Division of Patient Care, Jail Medical Unit (County Executive). I'll make a motion. Do we have ••

LEG. ALDEN:

Second.

P.O. LINDSAY:

Second by Legislator Alden. Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

Labor & Workforce and Affordable Housing:

1146•06 • Amending the 2006 Operating Budget in connection with the consolidation of the County Department of Information Technology Services (County Executive). I'll make that motion again. Do we have a second?

LEG. VILORIA•FISHER:

I'll second.

LEG. MYSTAL:

Second.

LEG. ALDEN:

On the motion?

P.O. LINDSAY:

Second by Legislator Mystal. Legislator Alden.

LEG. ALDEN:

Can somebody •• I'm not on this committee, could somebody just give me a brief synopsis of how much, there's a cost savings, what the accomplishment would be of this consolidation?

P.O. LINDSAY:

Would you like to hear from the Chair, Counsel or the Exec?

LEG. ALDEN:

You pick it, Bill.

P.O. LINDSAY:

Counsel.

MR. NOLAN:

This resolution just transfers one position, same grade, from the old •• from the County Executive's Office to the new department that was just established, so it looks like it's a wash.

LEG. ALDEN:

Good. There we go.

P.O. LINDSAY:

Very good. Okay, seeing no other questions, all in favor?

Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

Parks & Recreation:

IR 1155•06 • To establish an Ecology and Technology (Eco•Tech) Park in Suffolk County (Cooper). What's your pleasure ••

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Legislator Cooper makes a motion to approve. Do I have a second?

LEG. VILORIA•FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloria•Fisher.

LEG. ALDEN:

The cost?

P.O. LINDSAY:

Legislator Alden I recognize you.

LEG. ALDEN:

What's the cost?

LEG. COOPER:

There will be no cost to the County, we would solicit corporate sponsorships and grants to pay for this. The exhibits would be put up on County parkland to be determined by the Parks Commissioner, but the cost would be borne entirely through corporate sponsorships and grants and private sponsorships.

LEG. ALDEN:

And through the Chair, through the Chair to the sponsor, if the Commissioner decides that there's no appropriate location for this it doesn't happen?

LEG. COOPER:

Correct.

LEG. ALDEN:

Conceivably, right?

LEG. VILORIA•FISHER:

Solar swings; think solar swings.

LEG. MONTANO:

Solar•powered swings, right.

LEG. COOPER:

That was Legislator Montano's idea.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Negative.

P.O. LINDSAY:

One opposed.

MR. LAUBE:

16 (Opposed: Legislator Barraga • Absent: Legislator D'Amaro).

P.O. LINDSAY:

1192•06 • Appointing Matthew W. Swinson as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 6)(Mystal).

Legislator Mystal, do you want to make a motion?

LEG. HORSLEY:

Second.

LEG. BARRAGA:

On the resolution, can I speak?

P.O. LINDSAY:

Absolutely. We have a motion by Legislator Mystal, a second by Legislator Horsley and I recognize Legislator Barraga.

LEG. BARRAGA:

Yeah, the only comment I'd like to make, and I don't know what the history of the Legislature is with reference to this, but usually when an individual is being appointed to a particular committee or task force, you take a look at the address and where that person lives and normally you would go to the Legislator who is representing that particular area because he's representing that particular person on the Legislature, and certainly I don't think this was done in this particular case. I mean, if you go to the Legislator and he or she refuses to carry the resolution, then you can always go to someone else. But unless the spelling of my last name is taken on a Greek/Latin scenario, beginning with an M and ending in L, I think that maybe in the future I would ask the Chair to take a look at the address of where people live on these appointments, with Vanderbilt Museum or anything else, giving the Legislator who represents the area the first choice as to whether or not he wants to sponsor or she wants to sponsor the resolution.

P.O. LINDSAY:

Mystal is Irish, you know that.

LEG. MYSTAL:

Black Irish. Legislator Barraga, I remember distinctly telling you about this gentleman. I remember distinctly telling you that I was sponsoring him.

LEG. BARRAGA:

I have no problem with the gentleman, he's well qualified, well qualified.

LEG. MYSTAL:

No, I remember telling you that if you wanted ••

LEG. BARRAGA:

But I don't recall you indicating that, you know, you were going to be the prime sponsor of the resolution. And it really has nothing to do with you, Legislator, it really doesn't, it's just a question of the approach. I just think in the future when someone is possibly appointed to a particular committee or whatever it may be, that the Presiding Officer should say, "Look, you know, where does this person live and let's go to that particular Legislator to give him or her the right to enter the resolution."

LEG. HORSLEY:

Good point.

P.O. LINDSAY:

So noted, thank you. Yes, Legislator Romaine.

LEG. ROMAINE:

Just a quick comment; I agree with Legislator Barraga. I also would like to know, this person I'm sure is eminently qualified, I certainly intend to vote for this person, but who is this person replacing? Obviously I'm asking a rhetorical question because I know the answer, the answer is a _Burt Seides_ from the Ketchum Inn Foundation who was serving in that capacity and I believe is eminently qualified. You may know of •• Legislator Browning may know of _Burt Seides_ from the Ketchum Inn, this is the person that is being replaced. Has anyone contacted this gentleman who has served to let him know his term has expired and he's not being reappointed? I just ask that technical question.

LEG. MYSTAL:

I did not contact him personally, but I had talked to the Chair of the committee to let him know that we're doing this, to relay the information.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Through the Presiding Officer, I can tell you, Legislator Romaine, that he was told that he's being replaced, he was very disappointed. He feels that he served with distinction and did a great job and he really didn't understand why he might have been replaced, but he does know that he was being replaced.

LEG. ROMAINE:

You know, I happen to know •• nothing against this appointment, but the gentleman who's being replaced who's eminently qualified was an incumbent, not a person of my political faith but someone that I know of that has worked in the community. And it just seems a shame that we're replacing people, no offense to anyone that you're suggesting, that we're replacing good people for no valid reason. There should be a valid reason like we either have a philosophy of replacing people or we were disappointed with the service or some other reason, I just make that as a comment without •• I don't want to hold up deliberations.

P.O. LINDSAY:

Thank you. No other comments? There's a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

1211•06 • Authorizing use of Makamah Preserve in Northport by the Northport Road Runners Club (Cooper).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Cooper. Do I have a second?

LEG. CARACAPPA:

Second.

P.O. LINDSAY:

We have a second by Legislator Caracappa. Any discussion? Seeing none, all in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

1224•06 • Authorizing use of Smith Point Park Property by Mastic Knights of Columbus for 5K Race (Browning).

LEG. CARACAPPA:

Second.

P.O. LINDSAY:

Legislator Browning makes the motion ••

LEG. HORSLEY:

Second.

LEG. CARACAPPA:

Second.

P.O. LINDSAY:

Second by Legislator Caracappa. Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

Public Safety & Public Information:

1161•06 • Authorizing the use of electronic monitoring devises for all sex offenders (Alden).

LEG. ALDEN:

Motion to approve.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Motion by Legislator Alden, second by Legislator Losquadro. On the issue? I had a question. Within less than a year, didn't we approve a pilot program to do this?

LEG. ALDEN:

Almost. We approved a pilot program and I had included Level II's and III's, then Laura Ahearn contacted my office and also the •• he's not a Commissioner, he's the Director of Probation had contacted my office and said that it would be appropriate to include the Level I's. So that's what this accomplishes, this makes it so that whether you're a I, II or a III, you would be eligible for this global positioning monitor.

P.O. LINDSAY:

Is this going to dramatically increase the cost of the pilot program?

LEG. ALDEN:

No, it doesn't change it one bit.

LEG. ALDEN:

Director Desmond had said that he wanted to include ••

P.O. LINDSAY:

Okay. So it makes I, II's and III's eligible, but it's still a pilot.

LEG. ALDEN:

It's still a pilot. He plans on very quickly putting 25 of these devices in use and by the end of the year he plans on having 100 of them and then he'll be able to come back to us and tell us about future costs and ••

P.O. LINDSAY:

And to see whether they work.

LEG. ALDEN:

Work or not, exactly.

P.O. LINDSAY:

You know, I'm just •• it's not that I'm opposed to the program, I'm just reluctant to go forward with implementation until we get results of the pilot.

LEG. ALDEN:

Right. And •• well, you would be implementing a program, but it's only on, you know, a trial or a pilot basis.

P.O. LINDSAY:

So Probation is going to pick which of •• whether it be a I, II, III, they might choose all III's for the pilot, they might choose II's, it gives them more flexibility.

LEG. ALDEN:

Right. And Director Desmond said that he would include I, II's and III's in the pilot program, according to the Judge's wishes also and the DA's wishes, but it would be appropriate because he testified that some Level I's are more dangerous than Level II's and III's.

P.O. LINDSAY:

Okay. Legislator Eddington, did you want to say something on this issue?

LEG. EDDINGTON:

Just briefly. I met with the Director also, so that they can see what we •• we tend to know that a lot of people are •• they get it down from a II or a III to a II or to a I, so we wanted to include those people so he could track them as well. So it just adds a scope to the pilot program.

P.O. LINDSAY:

Any other comments about this resolution?

LEG. COOPER:

Tim, cosponsor, please.

P.O. LINDSAY:

Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

LEG. ALDEN:

Thank you.

LEG. MYSTAL:

Cosponsor.

LEG. LOSQUADRO:

Cosponsor.

LEG. CARACAPPA:

Cosponsor; I think I already am.

LEG. STERN:

Cosponsor.

P.O. LINDSAY:

IR 1183•06 • Accepting and appropriating 75% Federal Pass•Thru grant funds from the New York State Emergency Management Office to the Suffolk County Department of Fire, Rescue & Emergency Services for a FY 2005 Pre•Disaster Mitigation Planning (PDMC) Grant and to execute grant related agreements (County Executive). We have a motion from Legislator Vilorio•Fisher and I'll second that motion. Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

Public Works & Transportation:

1157•06 ••

LEG. LOSQUADRO:

If I may?

P.O. LINDSAY:

Yes, Legislator Losquadro.

LEG. LOSQUADRO:

I'm sorry, Mr. Presiding Officer. I just thought as we were finishing Public Safety it

would be an appropriate time, seeing as IR 1228 has aged an hour, I would like to make a motion to approve.

P.O. LINDSAY:

Okay.

LEG. VILORIA•FISHER:

Let me just get it out.

P.O. LINDSAY:

Okay, we have •• 1228 has been aging.

LEG. SCHNEIDERMAN:

Like a good wine.

P.O. LINDSAY:

I need a motion.

LEG. LOSQUADRO:

I would like to make a motion to approved.

P.O. LINDSAY:

Make a motion. Do we have a second?

LEG. ALDEN:

Second.

LEG. CARACAPPA:

Second.

P.O. LINDSAY:

Second by Legislator Caracappa. On the motion?

LEG. ALDEN:

Put me on the list.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

This is to the •• through the chair, to the prime sponsor. I just want to be clear, this isn't an alternative, this is once somebody has gone through the program, they have either done their jail time or whatever happened. Now, during that monitoring period afterwards, to make sure that they're complying with their court•directed rehabilitation and/or punishment, this would be an added device to make sure that they are compliant with the terms.

LEG. LOSQUADRO:

Yes, this is a pilot program as well, much like with the sex offender monitoring, that will give the Department of Probation additional flexibility in terms of monitoring individuals, that they stay in compliance. A condition of release many times is alcohol abstinence and this device can monitor alcohol in•take 24 hours a day, seven days a week and transmit it via a base unit. The technology does not exist to monitor •• to register alcohol content and transmit it via a GPS receiver has not been shrunk down, that may be available a year, two, three years from now, we're not sure. But right now this technology does exist, it's in use in over 30 states around the country and we can immediately improve our monitoring capabilities of those who have already served their time and give the Department of Probation some additional flexibility and heighten our monitoring abilities.

LEG. ALDEN:

And I realize that it's limited in scope because some of our offenders don't have land lines, maybe some of them can't afford it or some of them have more technology advanced type of communication devices, but I also understand that you amended your bill to make it so that this equipment is leased and not purchased so that ••

LEG. LOSQUADRO:

That is correct.

LEG. ALDEN:

We're going to be staying up with the technology as it evolves, basically.

LEG. LOSQUADRO:

In conversations with the Department of Probation, I amended the bill so that we are leasing these devices, as new technology becomes available we can upgrade. And as everyone knows, alcoholism is a disease that knows no socioeconomic boundaries, it is not confined to the lowest economic strata within our society, it is doctors, it is lawyers, it is carpenters, it is electricians, it is plumbers. So to say that we cannot find 20 individuals to use this on who do not have access to land lines, who somehow are limited in their communications abilities to prepaid cell phones, I just don't see.

When we first passed this initiative back in October of last year, Commissioner Desmond was quoted in Newsday as saying he had immediately identified 175 out of almost 1,200 individuals that they were monitoring at that time who would be eligible for this program. This is to begin using 20 of these devices on offenders that they see as potential risk for recidivism and being as though in the past two weeks I lost two young individuals from my district to an alcohol-related crash, one of whom happened to be my aide's daughter's best friend, so the end of last week was a bit difficult in my office. And anything that we can do to increase our monitoring efforts, I'm fully supportive of and that's why I've sponsored this bill.

P.O. LINDSAY:

Legislator Fisher.

LEG. VILORIA•FISHER:

No, the question was answered. Thank you.

P.O. LINDSAY:

Okay. I actually have Legislator Cooper first and then Mystal.

LEG. COOPER:

A quick question for the sponsor; what is the cost to rent the scam units versus the original idea to purchase them?

LEG. LOSQUADRO:

This cost is 60 •• it's on the resolution, it's \$60,590.

LEG. COOPER:

Right, but what was the cost to purchase?

LEG. LOSQUADRO:

I don't have the original figures in front of me for the purchase, but I believe this was more cost effective and it gives us the flexibility in the future to upgrade should newer technology become available. Much in the way that it has with the •• to monitor sex offenders, to have real time transmission with GPS data, although that's not available at this time.

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

No, I don't have any problem with the resolution itself, I'm just questioning the source of funding. I want to ask the administration, since the money is coming from permanent salaries to buy these, what does that do to the other stuff in the administration; Ben Zwirn?

MR. ZWIRN:

The County Executive's Office had two problems with the bill the way it's constituted; one was the technology that was testified to at committee by the Director of Probation, John Desmond, and it's been alluded to here today, is that you need a land line for this to work. And what they're finding is that a lot of the defendants that they're seeing in these programs don't have land lines, they have cell phones. And to go ahead with this technology may not •• there's no future down the road, there are a lot of people that will not be able to be covered by this.

And the second one was, once you get past the first, was the funding source. This is coming from permanent salary account and I think there's •• before the Budget & Finance Committee there was testimony by both BRO and the County Exec's Office that there's a deficit looming anywhere between 66 million and \$86 million. So just because that line is there doesn't mean the money is there, so we would like to see a different offset.

LEG. MYSTAL:

Can I ask BRO, Gail?

MS. VIZZINI:

Sure. This is equivalent to leaving 1.1 Probation Officer positions vacant. It was

actually Budget Review that offered the offset. There is in this partic •• this is general administration for Probation. There's \$648,189 available to fill positions, vacant positions, there are 301 authorized positions, 23 are vacant; there really is enough money to fill all of those 23 positions for half the year or half of them for the full year. So this would be tantamount to leaving one vacant.

LEG. MYSTAL:

Ben, you're shaking your head like ••

MR. ZWIRN:

I mean, I don't know how you can say that the money is there. You know, just because you put things in the budget doesn't mean the revenue is going to be there to pay for them at the end of the year. And if at this early stage we're seeing numbers the way they are, we would suggest that you not go to the permanent salary accounts for offsets.

LEG. MYSTAL:

Last thing.

P.O. LINDSAY:

I got you.

LEG. MYSTAL:

I'm almost finished. Are you saying that although on paper we have a budget line with 600,000 in it, it doesn't mean that we have 600,000 allotted; is that what you're saying?

MR. ZWIRN:

That's correct. With all the expenses in the budget, you can budget them but if the revenues don't come in, what you have to do is try to start ••

LEG. MYSTAL:

Okay, Gail, you get the last bite. Gail, you get the last bite at what we're talking about.

MS. VIZZINI:

Well, Ben is correct in that we did a presentation underscoring the concerns for 2007, but there are sufficient monies in 2006, you have to determine your priorities. If the program is a priority, it is •• it's not likely that all the positions in Probation will be filled.

Even filling these 12 positions would bring Probation staffing level to more than they've had since 2002.

LEG. MYSTAL:

I'm done.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

You know, the way I feel about this, \$60,000, we spend a lot of money on a lot of different things in the Legislature; we buy pieces of property because we're very concerned about environment, and that's a wonderful thing, for millions and millions of dollars. If \$60,000 is spent to save one life, that's not too much money, is it, one life.

Twenty monitors, I'm told that maybe Probation said a lot of these people don't have land line phones; well, give them to people that have land line phones because it's only 20. And believe me, Legislator Losquadro is right, this disease hits everybody. The people that are going to be monitored, those will be the people that have land line phones. It's a pilot program, if we save one life we've done our job. I'm voting for it and I'm cosponsoring it.

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

Yeah, quick question, Dan. In the \$60,000, does that include the staff to monitor the progress of these people, do they sit by a machine; how does that work?

LEG. LOSQUADRO:

This would fall under the normal course of duties for Probation. Officers who would normally be monitoring these individuals through routine visits, as part of the pilot program the department would have to decide are less frequent visits needed because now you don't have to come in and blow into a breathalyzer and be monitored on that regular basis.

LEG. HORSLEY:

So are you saying that maybe this could possibly save monies?

LEG. LOSQUADRO:

It could, that's part of •• that's part of examining this under a pilot program. Because now you're doing this monitoring remotely 24 hours a day, seven days a week, more efficiently and to a much higher degree than you can ever do it in person unless you had someone coming in every six hours or so and hope that if they had a drink the alcohol didn't pass out of their blood drug stream already.

LEG. HORSLEY:

It's a cogent argument. Okay.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes, I'm supporting this •• and I'll address myself to Mr. Zwirn.
I'm supporting this for two reasons •• that's okay, I know he's in discussion.

P.O. LINDSAY:

We're listening to you, Legislator Romaine.

LEG. ROMAINE:

In the Public Safety Committee, Chairman Eddington was gracious enough to allow me to ask a few questions and one of the things that came out is they have a PAT Unit; this is the unit that handles people that have drug addictions or alcoholism as a disease that's on probation. When you looked at this on a County basis, what you found is that the average caseload for the County was 26 until you got to the five eastern towns, then it jumped to 43. So obviously, if you live in the east end towns and you are afflicted with this disease or you're afflicted with this addiction, the difficulty in monitoring, because the caseload is so much higher, is a problem. Maybe this demonstration program will go a long way to resolve that because right now not only is the PAT Program out of whack for the east end, but we have no intensive supervision program for the east end probation offenders who are the most serious where we do for the west end, that was testified to at the committee and.

The other problem is we have no day reporting system for people that are most serious

offenders, that day reporting system is located in Hauppauge, we have no day reporting system on the east end. For all those reasons, I would support it.

And finally, I would ask Ben, you had mentioned that the County Executive was possibly, and I'll say possibly, foreseeing a \$60 million shortfall; was that the number you used.

MR. ZWIRN:

No, it was 86 million.

LEG. ROMAINE:

Eighty•six million, that's even more serious. Can I ask you, is the County Executive prepared to put a plan before this Legislature within the next 30 to 60 days so that we could address this early in the year before this problem mushrooms and we're confronted with it at the end of the year as we role into 207, 2007?

MR. ZWIRN:

They're doing that now and there's a bill that's a late starter which gets the ball rolling.

LEG. ALDEN:

Tonight.

LEG. ROMAINE:

I'm going to look forward to it. I assume he's going to spell out whatever cuts or reductions he's going to make to ease into that number or whatever revenue enhancers he's going to propose?

MR. ZWIRN:

He's going to begin the debate with the bill that he's filed today and hopefully the debate will •• you know, it's going to be a hard, difficult debate because nobody likes to cut expenses, but ••

LEG. ROMAINE:

What is ••

LEG. LOSQUADRO:

Mr. Chairman, could we •• I apologize. Could we call the vote on 1228 and have this discussion on another issue at some other time?

MR. ZWIRN:

Mr. Presiding Officer, I would just ask that if we could find an offset that would be suitable out of the Stop DWI or one of the programs that's in Probation where there will be some good chance there will be some money that we can use, as opposed to going after the permanent salary accounts. It's a terrible precedent to set under the circumstances.

LEG. LOSQUADRO:

Mr. Chairman, if I may?

P.O. LINDSAY:

Well, I'm just going to ask a simple question, I'm going to take the liberty of the Chair. I mean, this •• wouldn't this be a good example of an alternative to incarceration?

MR. ZWIRN:

Yes. I don't think that that's the •• that's not the concern.

P.O. LINDSAY:

So in the long run, I mean, if this works, wouldn't we save in the salary account by reducing the number of people we'd have to hire in terms of correction officers?

MR. ZWIRN:

Well, we may have to hire more probation officers.

P.O. LINDSAY:

Well, if you ••

MR. ZWIRN:

But I'm just saying, the salary account we would like to see not used coming down the pike.

P.O. LINDSAY:

Okay. Did you still want to answer that, Legislator Losquadro?

LEG. LOSQUADRO:

I was just going to echo similar comments that •• in response to the question Legislator Horsley had asked me, I actually think this is an example of where salary is a good offset because potentially, based on the findings of the pilot program, this could go towards reducing the workload or supplementing some of the officer visitation that is necessary. So I think it's a suitable offset.

P.O. LINDSAY:

I got you, I've got a list. Legislator Eddington.

LEG. EDDINGTON:

Well, I just want to add that we're always doing a reaction and intervention and this is obviously a proactive approach for DWI. If it corrects one person's behavior and saves a life, I agree with Legislator Nowick and I want to be a sponsor.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

I had one question for the sponsor. You had mentioned that there were a number of states that have implemented similar programs already; do you know whether in any other municipalities they have attempted to have the DWI offenders themselves contribute to the cost of the monitoring devices?

LEG. LOSQUADRO:

No, I do not. At this point I'm aware of I believe 32 states across the country that have implemented the use of these devices. I'm not aware of •• that would be something that the courts could perhaps decide as part of the •• as part of their punishment that they would have to contribute to this and that's something we could look at going forward.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I also would like to go ahead and add as a cosponsor. I'll point out two other observations that my colleagues must know at this point. One is that we have seen two primary treatment centers for alcohol and substance abuse shut down

within the last 120 days here in Suffolk County, that's Lake Grove and now most recently crossings. There are less and less places for Probation Officers to go ahead and place DWI offenders.

Secondly, unfortunately, DWI offenders have a relatively high recidivism rate and so what we see is multiple offenses, and unfortunately the same kind of tragedies that Legislator Losquadro has just referenced.

Finally, it seems that the County Executive continues to run at anywhere between a 15 to 20% vacancy rate for departments across the board. So I don't find this to be an inappropriate offset whatsoever and I think it will go a long way towards helping our department to go ahead and meet its mission. I'm in favor of it.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

I also would like to cosponsor this. In 1999 I lost a very good friend to a drunk driver, and if this had been something that was in existence then she'd still be alive.

P.O. LINDSAY:

Any other comments on this issue? Mr. Zwirn, do you ••

MR. ZWIRN:

No, thank you, Mr. Presiding Officer.

P.O. LINDSAY:

No? Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. SCHNEIDERMAN:

Put me down as a cosponsor.

LEG. LOSQUADRO:

I would like to say thank you to my colleagues and those who cosponsored.

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

LEG. COOPER:

Tim, cosponsor, please.

P.O. LINDSAY:

Where did we leave off? Public Safety & Public Information, IR 1161•06, Authorizing the use of electronic.

MR. NOLAN:

We just did that.

P.O. LINDSAY:

Oh, we did that one. Okay, we're on Public Works, I'm sorry.

Public Works & Transportation:

1157•06 • To promote fuel efficiency by requiring the purchase of hybrid vehicles for Legislative use (Cooper).

LEG. MYSTAL:

Hybrid, not hybred.

P.O. LINDSAY:

Hybrid; what did I say, hybred? It's getting late, what do you want from me?

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve ••

LEG. BARRAGA:

Mr. Chairman.

P.O. LINDSAY:

•• by Legislator Cooper. Do I have a second?

LEG. STERN:

Second.

P.O. LINDSAY:

Second by Legislator Stern, and I recognize Legislator Barraga.

LEG. BARRAGA:

Certainly, Mr. Chairman, I can understand the intent of the sponsor proposing this particular piece of legislation. But if I recall reading several weeks ago, the Budget Review Office put out some numbers •• and Budget Review Director, correct me if I'm not right on this •• but most of these hybrid vehicles cost three, four, \$5,000 more than the conventional, and there has to be a payback period. I think there were some calculations done by Budget Review that predicated on 10,000 miles per year at \$1.62 a gallon, that the payback period for these vehicles would be 9.4 years.

Now, I guess my question is if these vehicles are purchased, do they hang around the County for 9.4 years to get a break•even payback period?

MS. VIZZINI:

Well, our current policy is to keep vehicles for 110,000 miles, so it would depend on the use. And you were accurate in terms of the fiscal projection with the exception of the fact, you know, that that is all offset by the environmental pluses of operating such vehicles.

LEG. BARRAGA:

But realistically, predicated on your numbers, you would have to do about 95,000 miles to break even with these vehicles; yes or no?

MS. VIZZINI:

Averaging 10,000 miles a year, yeah.

LEG. BARRAGA:

All right, thank you.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I commend the sponsor's intent in looking for alternatives and looking for a way to maybe reduce our reliance on imported oil and things of that nature, but I don't think it's appropriate for the Legislature to have vehicles in the first place. So I'm going to be voting against this.

LEG. LOSQUADRO:

Bill?

P.O. LINDSAY:

Legislator Vilorio•Fisher.

LEG. VILORIO•FISHER:

Gail, I'm trying to recall if you calculated within your numbers, and perhaps I should be asking Counsel a preliminary question which is do municipalities •• would a municipality qualify for any kind of Federal rebate for the purchase of hybrids; do you know, George?

MR. NOLAN:

I thought you were asking Gail.

LEG. VILORIO•FISHER:

No, no.

MR. NOLAN:

You did ask ••

LEG. VILORIO•FISHER:

No, I said I have to ask a preliminary question of Counsel. You and Gail look alike, I'm sorry.

LEG. LOSQUADRO:

Gail, you should be insulted.

MR. NOLAN:

I apologize, Legislator. Could you please repeat the question?

LEG. VILORIA•FISHER:

I'll repeat the question; maybe Gail knows the answer. In calculating the cost of the vehicles, can we calculate in a Federal rebate for the purchase of a hybrid vehicle as a private citizen can. And I was asking Counsel, I thought maybe I should ask you first, if you thought that municipalities would qualify for that type of Federal rebate.

MR. NOLAN:

I don't know.

LEG. VILORIA•FISHER:

You don't know.

MR. NOLAN:

I don't know the answer to that question.

LEG. VILORIA•FISHER:

So Gail, I assume that you wouldn't have put that in in your calculations. Because there are lots of other grants, too, there's NYSERTA, Clean Cities, other things.

MS. VIZZINI:

We didn't include that because we didn't know if we would be eligible or get the •• you know, I'm sure those are very competitive grants. We're getting grants for our transit vehicles, for our hybrid transit vehicles, all I could say is that we would certainly endeavor, and Joe Schroeder would, you know, help write the request, but at this point I don't know whether we'd be eligible or what we would get.

LEG. VILORIA•FISHER:

Okay. Well, I think that's something we should consider when we look at the bottom line and I think that fleets are being encouraged to go hybrid and be •• by the way, the car I drive gets a lot less than what this Chevy Malibu gets; my County car gets less than that.

P.O. LINDSAY:

Okay. Legislator Cooper.

LEG. COOPER:

I wanted to address Legislator Barraga's concerns. I don't think anyone can really answer whether these vehicles in the long run will pay for themselves, they may well, it could end up being a cost savings to taxpayers or perhaps not, and that's certainly an important question. But I think even more important is the impact that hybrid vehicles have on our environment and also foreign policy for the United States. Right now I think 67% of the oil consumed in the United States is for transportation, of that 56% currently is imported and that's going to grow to 70% in 20 years. And if every family in the United States switched to a hybrid vehicle today, we'd save approximately 14 billion gallons of oil each year. So think about the impact that that would have, a positive impact on our air quality, on the environment, it would lessen our demand for foreign oil. And I think that it's very important that not just individuals but government at all levels, whether it be County or State or Federal, lead the way on this and point the public in the right direction. And we have other programs already in place at the County level converting our bus fleet to hybrids, that was just expanded recently by the County Executive through Executive Order. I think it sends a very important message to the public that we'd be taking this step, it will certainly have a positive environmental impact at the local level, and there's a possibility that it will save taxpayer dollars. Obviously the more people that buy hybrid vehicles, the more that are manufactured, the more the cost will come down and eventually they will cost no more than conventional vehicles. So I think that for all of those reasons and more, this makes sense.

P.O. LINDSAY:

Legislator Losquadro.

LEG. NOWICK:

Is that Beamer a hybrid?

LEG. COOPER:

And also •• I'm sorry. And for the record, I do not have a County car, I don't plan on taking a County car, but for those that do have County vehicles ••

P.O. LINDSAY:

That isn't what they asked you; do you have a hybred? Legislator Losquadro.

LEG. COOPER:

I'm getting a hybrid for my 16 year old daughter, though.

LEG. MYSTAL:

But not for you.

LEG. COOPER:

Not for me.

LEG. LOSQUADRO:

Thank you. As many of you know, for those of you who weren't around over the past couple of years, you know that I'm a big supporter of alternative fuel sources. We're now currently pumping about 25% of our diesel for the County is a bio diesel blend. But I reiterate my concerns with this because of my automotive background and I have not seen any large fleets that have shown any long-term studies for the use of hybrid vehicles.

One of the concerns with fleet use is always durability, that is a primary concern when purchasing vehicles for fleet use, maintenance costs and costs associated with the upkeep and training staff to handle specialized equipment, towing procedures, things of that nature. I'm not convinced yet at this point, with the technology as it exists today, that ••

P.O. LINDSAY:

Could I •• stop the chatter so we can listen to Legislator Losquadro.

LEG. LOSQUADRO:

Well, thank you. I'm not convinced at this point that the hybrid technology is at a point where it's suitable for fleet usage and would be cost effective not only in the sense of fuel savings but also in terms of durability and the type of training and staffing needed for the upkeep of these vehicles.

P.O. LINDSAY:

I'm going to exercise the prerogative of the chair and •• no, not take a break •• and refer back to prior comments by Legislator Losquadro at other meetings. I think you have always been a proponent of energy efficient vehicles.

LEG. LOSQUADRO:

Yes.

P.O. LINDSAY:

But you have also made the point that they do not necessarily have to be hybrid.

LEG. LOSQUADRO:

Correct.

P.O. LINDSAY:

That there are other vehicles on the market today that would •• we would be able to get much better fuel efficiency out of the fleet of vehicles that we have now at a comparable price of what we're paying for vehicles now.

LEG. LOSQUADRO:

Absolutely.

P.O. LINDSAY:

Okay.

LEG. LOSQUADRO:

There are many vehicles on the market today that are far superior in terms of technology and most importantly fuel efficiency in comparison to the vehicles that are being purchased for fleet use by the Department of Public Works. As you know, we've questioned them on many occasions as to what the criteria is going to be for them to purchase new fleet vehicles, no criteria has been forthcoming. We're purchasing an antiquated model of vehicle in the Ford Taurus that is no longer produced for consumer consumption, it is only produced for fleet consumption. We can be purchasing vehicles such as Chevy Malibus and Chevy Impalas, or if we wanted to stick with the Ford, the Ford Fusion or the Ford 500, all of these vehicles get between eight and 12 miles per gallon more than the vehicles we're currently using. They're a conventional technology and can be serviced in the same manner and have similar durability to the vehicles we are using today. So I do not know why the Department of Public Works has not been willing to change their viewpoint on this, but it's something that we're going to need to address.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

Just a couple of comments. I don't know the vehicles that Legislator Losquadro is referring to, but I don't believe •• and clearly we can purchase vehicles that have better mileage than our current vehicles, that's really not the question. But I believe that the hybrid vehicles, those on the bid list that we can purchase have even higher mileage, the fuel efficiency is even better.

Once again, cost can't be the only factor here. We've passed a number of pieces of legislation over the years, lead legislation. Where's Legislator Schneiderman? His legislation requiring the County to purchase 10% of our electricity from green energy technologies, that's going to be more expensive. My resolution setting the 25% goal by 2010, that's probably going to be more expensive; I can go on and on.

P.O. LINDSAY:

You didn't tell us that at the time.

LEG. COOPER:

You're supposed to read between the lines.

LEG. ALDEN:

Now we have a huge gap.

LEG. COOPER:

So we constantly do a cost benefit analysis and one thing that we have to factor into are the environmental benefits of the green technologies and the environmental benefits of hybrid technologies. So I think that this does make sense, I think it would be important, an important statement to make for the public and I hope that my colleagues will vote for this.

P.O. LINDSAY:

So I gather from that you don't want to table this and relook at it for modification.

LEG. COOPER:

I would prefer not to.

P.O. LINDSAY:

Okay. Legislator Caracappa.

LEG. CARACAPPA:

Thank you. Quickly, I have a whole other reason for opposing this. We all believe in the concept and that's great, but I think legislating to take away the powers of a sitting Presiding Officer is basically what you're doing. The Presiding Officer is the one that oversees our budget, puts together our budget, orders cars for this body, orders all the supplies; he's basically the CEO of the Legislative body. He has the ability to, or future she, he, whoever will be, has the ability when they order cars to purchase hybrid vehicles unilaterally, to be quite honest with you. It's something that they can do, something that they should have control over, and I don't want to legislative over the powers of a sitting Presiding Officer and that's why I'm not going to support it.

P.O. LINDSAY:

Thank you very much. I didn't know that.

LEG. CARACAPPA:

Billy, you're the man.

LEG. VILORIA•FISHER:

Actually, through the chair, Joe, can I just ask you about that? Because I thought when we did try to pin down the criteria issue, and I was in the same committee as Legislator Losquadro when we looked at that, I believe some of the reasons we were given was that there were certain vendors from which we had to buy the vehicles. So I don't know if the Presiding Officer has that kind of latitude, I think he would ••

LEG. CARACAPPA:

Yes.

LEG. VILORIA•FISHER:

•• have to go to DPW and Purchasing and then the specific vendors.

LEG. CARACAPPA:

No, the Presiding Officer will have the ability to go to the bid list and see what the options are, what cars are on that bid list and then choose, and then they do the purchasing order with monies budgeted in the Legislative budget for supplies; I know because I've done it. So he does have to follow the bid list and the cars that are on there, but it's ultimately the decision of, again, the head honcho and that's the Presiding Officer of the Legislature.

LEG. VILORIA•FISHER:

Okay, that's interesting. Thank you, Joe.

P.O. LINDSAY:

Is there any discussion on this issue? Legislator Mystal, you want to be recognized?

LEG. MYSTAL:

Yes; either we vote on this or we get some pizza, I'm getting hungry.

LEG. VILORIA•FISHER:

Let them eat cake.

LEG. MYSTAL:

Can we table it?

LEG. CARACAPPA:

All right, let's roll.

LEG. MYSTAL:

Can we table this?

LEG. CARACAPPA:

Is there a motion to table?

MS. ORTIZ:

No, there is not.

LEG. ALDEN:

No, the debate's done, take the call, that's it.

P.O. LINDSAY:

Okay, we have a motion to approve and a second.

LEG. LOSQUADRO:

There is a motion to table and a second.

P.O. LINDSAY:

Oh, there's a motion to table and a second.

LEG. CARACAPPA:

Unless you want to kill it.

LEG. ALDEN:

We should just vote up or down.

LEG. MYSTAL:

Motion to table. Let's table it.

LEG. COOPER:

Well, what takes precedence?

P.O. LINDSAY:

The tabling motion takes precedence. It's before us ••

LEG. MYSTAL:

No, no, no, what takes precedence is you don't have the votes, how's that?

LEG. BARRAGA:

You've got to learn to count to ten.

LEG. MYSTAL:

That takes precedence.

LEG. COOPER:

I'm not convinced about that.

LEG. SCHNEIDERMAN:

The press conference takes precedence.

LEG. COOPER:

If I could do the motion to approve first then I would. But if ••

P.O. LINDSAY:

No, you can't.

LEG. COOPER:

But if a motion to table takes precedence ••

LEG. MYSTAL:

Coop, you don't have the votes, so quiet.

LEG. COOPER:

Excuse me, then I'd make a motion to table.

LEG. MYSTAL:

It's already made.

P.O. LINDSAY:

It's already made. Okay, we've got a motion to table and a second. All in favor? Opposed? Abstentions?

LEG. NOWICK:

We're closer to pizza than you think.

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

Jon, on the score card tonight, you're still ahead nine to one.

1173•06 • *Appointing member to the Suffolk County Traffic Safety Board (Robert J. Behrle).* I'll make the motion. Is there a second?

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington. Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

1174•06 • Reappointing members to the Suffolk County Traffic Safety Board (Michael J. Salatti, Sergeant Richard H. Schneider, Stephen Shadbolt, Susan Katz, Frank Pearson, Stephen Miller)(Lindsay). I will make a motion, second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

1195•06 • Authorizing the execution of agreement by Administrative Head of the Suffolk County Sewer District No. 13 • Windwatch with the Whitson's Food Service (IS•1539)(County Executive). I'll make a ••

LEG. KENNEDY:

I'll make a motion.

P.O. LINDSAY:

Motion by Legislator Kennedy, I'll second the motion. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

1196•06 • Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 7 • Medford with Island Builders (BR •1446)(County Executive). I'll make a motion, second by Legislator Eddington. All in •
•

MR. LAUBE:

Roll call.

P.O. LINDSAY:

No, that isn't a bond.

MR. LAUBE:

Oh, it's 1197. I'm sorry, next one.

P.O. LINDSAY:

The next one is a bond. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

Okay. We've got to have a roll call on **1197A, Bonding Resolution, appropriating funds in connection with the rehabilitation of CR 51, Moriches•Riverhead Road from CR 80, Montauk Highway to the Riverhead County Center, Town of Southampton (CP 5564)(County Executive)**. Legislator Schneiderman would like to •

-

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

•• make the motion and Legislator Romaine the second. Any discussion? Roll call.

(*Roll Called by Mr. Laube • Clerk*)

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

(Absent).

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. VILORIA•FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

Okay, **1197•06**, same motion, same second, same vote.

1198A • Appropriating funds in connection with the replacement of dredge support equipment (CP 5201)(County Executive). I'll make the motion. Do I have a second?

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator Browning. On the issue, roll call.

(*Roll Called by Mr. Laube • Clerk*)

P.O. LINDSAY:

Yes.

LEG. BROWNING:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

(Absent).

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yep.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

Same motion, same second, same vote on **1198•06**

LEG. VILORIA•FISHER:

Yes.

MR. LAUBE:

Viloria•Fisher, I'm sorry; I was back at the bottom.
It's all there now.

LEG. VILORIA•FISHER:

It's okay.

P.O. LINDSAY:

Okay, we have ***IR 1199A, Bonding Resolution, amending the 2006 Capital Budget and Program and appropriating funds in connection with the County share for participation in the reconstruction of CR 57, Bay Shore Road, Towns of Babylon and Islip (CP 5523)(County Executive).***

LEG. CARACAPPA:

Sixteen.

P.O. LINDSAY:

Legislator Barraga or Horsley, would you ••

LEG. HORSLEY:

Let Steve and I'll second.

P.O. LINDSAY:

Stern, okay, and second by Horsley. On the question, I see no hands, roll call.

(*Roll Called by Mr. Laube • Clerk*)

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

(Absent).

LEG. MYSTAL:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yep.

LEG. BROWNING:

Yeah.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. VILORIA•FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

Okay, **1199•06**, same motion, same second, same vote.

All right, we have ***1200A, Bond Resolution, appropriating funds in connection with the County share for participation in the reconstruction of CR 16, Horseblock Road, Town of Brookhaven (CP 5511) (County Executive).***

LEG. CARACAPPA:

Motion.

P.O. LINDSAY:

Motion by Legislator Caracappa, second by Legislator Eddington.

Any discussion? Roll call.

(*Roll Called by Mr. Laube • Clerk*)

LEG. CARACAPPA:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

(Absent).

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. VILORIA•FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

Okay, we have the same motion, same second, same vote on the accompanying **1200 •06.**

IR 1201A, Bonding Resolution, appropriating funds in connection with the construction of the Fire Vehicle Storage Pump House Facility (CP 3415) (County Executive). Legislator Eddington, you want to make a motion?

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

I'll second the motion. Any discussion? Seeing none, roll call.

(*Roll Called by Mr. Laube • Clerk*)

LEG. EDDINGTON:

Yes.

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

(Absent).

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. VILORIA•FISHER:

Yes.

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

Okay.

IR 1218, authorizing transfer of five surplus County computer to Long Island Head Start (Alden). Legislator Alden?

LEG. ALDEN:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Alden, I'll second the motion.

LEG. VILORIA•FISHER:

You have to say same motion, same second, same vote on the one before this.

P.O. LINDSAY:

Oh, okay. It was just pointed out by the Deputy Presiding Officer that I forgot to add to

the record that 1201•06, same motion, same second, same vote.

And on 1218 we have a motion by Legislator Alden, a second by myself. Any discussion? Seeing none, all in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

Congratulations.

LEG. ALDEN:

Thank you. No, but it's by random, they'll just choose, you know, five of these. Thank you.

P.O. LINDSAY:

Ways & Means:

IR 1144•06 • Adopting Local Law No. 2006, a Local Law to encourage and facilitate participation by minority group members and women with respect to Suffolk County Contracts (County Executive).

LEG. VILORIA•FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría•Fisher.

LEG. MONTANO:

Second.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Montano.

LEG. NOWICK:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Nowick.

LEG. NOWICK:

I just have a question. How does this differ, Counsel, from what non minority groups and •• this says minority groups and women; how does this differ from how minority •• what is it? Non•minority groups of men are treated? I don't understand what we're trying to do here.

Are there different rights now? I mean, what are we doing?

MR. NOLAN:

I think it just might be easier for me just to summarize what the bill does. First of all, the County would have to do a disparity study which shows that minority•owned businesses, women•owned businesses have been under utilized, okay, and once that's demonstrated then they would move forward with this program.

The Office of Minority Affairs would set up a certification program whereby women •owned businesses, minority•owned businesses were certified. County contracts would have to contain language in the future, and County contracts already may have language like this saying that contractors will not discriminate based on race, creed, color, national origin, etcetera. The Director of Minority Affairs is directed to draft rules and regulations to ensure that minority•owned businesses will be given a fair opportunity to participate in the County contracting process. Departments are going to have to include in contracts provisions to effectuate the purpose of the law and it's going to require contractors to use best efforts to solicit participation by minority and women •owned businesses as subcontractors, okay.

Further, there's going to be •• contractors are going to have to be •• are going to be required to submit utilization plans, a plan to how they're going to involve minority •owned and women•owned businesses in the contracting process and they're going to have to submit that in the future with their bids. So it's •• that's essentially what the law does.

LEG. NOWICK:

Are we allowed to do that, discriminate against •• I mean, just pick out women and minorities, can we do that in a contract? Is that something •• I thought at one time you couldn't do things like that.

LEG. MYSTAL:

Presiding Officer?

LEG. NOWICK:

Or doesn't it matter?

P.O. LINDSAY:

Are you done, Legislator Nowick?

LEG. NOWICK:

Yes.

P.O. LINDSAY:

Okay, Legislator Mystal.

LEG. MYSTAL:

Just to answer your question, Legislator Nowick. As it is right now, 99.9% of the contracts are given to white males, so they're not being discriminated against because any contract with the County is usually taken or signed with a company owned or operated by a white male.

So what this bill is trying to do is to facilitate and encourage other people in this County, since this County is not completely really white, to participate in it. And since this country has at least, you know, 50% female in it, it's trying to encourage them to participate and to bring in minorities that are living in the County or business owners and also women business owners, that's what it's doing. Nobody is being discriminated against because right now all the contracts are owned by •• you know, are signed by them.

LEG. NOWICK:

And I just need to ask a quick question, Legislator Mystal. And I'm in favor of it, I just don't understand. Is it that minorities and women are going to the County but being

refused or is it that they don't know about it and we're trying to make them aware of these contracts?

LEG. MYSTAL:

A lot of time the reason why they cannot get this contract is because they are small businesses and there are funding issues that they have, they cannot comply sometimes. So a larger consortium •• for example, a white company may get a contract, but they can subcontract with a minority company who may not be able to get the whole contract because of size and funding and insurance.

P.O. LINDSAY:

I'm going to recognize Legislator Kennedy in a minute, but just to add to what Legislator Mystal said and to answer your question. Both MBE and WBE status has been part of construction contracts on a Federal, a State and even on a County basis for quite some time, where a certain percentage of contracts has to go to either are a women business enterprise or a minority business enterprise. So it's something that's been in practice for a long time, okay, so it isn't something really new. Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, you basically, I guess, hit on what I was going to try to allude to. And I was going to go one step further to ask Counsel if, in fact, this bill would attempt to almost emulate. There are certain percentages, I guess, that you find on a Federal contract where it's got to be a minimum of 10%, 15%, something like that, minority participation. Does this bill go to that level or no?

LEG. MYSTAL:

No, there's no quota.

LEG. MONTANO:

No.

LEG. KENNEDY:

It does not.

MR. NOLAN:

No, there's no percentages, quotas, anything like that.

LEG. KENNEDY:

Okay. But it emulates that concept from the Federal and State levels.

P.O. LINDSAY:

Legislator Horsley

LEG. HORSLEY:

Yeah. In addition, I think what most of these programs will do is that they'll then submit

• if you've got five MWBE's, for instance, they'll actually send a solicitation out to them and advertise elsewhere for majority contractors and things like that. It just gives them a head's up and I think that's part of the program, usually of most MB, WB programs.

P.O. LINDSAY:

Okay. Any other discussion? We have a motion and a second.

All in favor? Opposed? Abstentions.

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

1178•06 • Authorizing conveyance of parcel to the Village of Sag Harbor, Town of Southampton, (Section 72•h, General Municipal Law)(Schneiderman). Legislator Schneiderman, what's your pleasure?

LEG. SCHNEIDERMAN:

Yeah, I'd like to move this, so motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Do we have a second?

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine. Any questions on the motion?

Hearing none, all in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

1182•06 • Authorizing the extension of a lease for premises located at 1149 Old Country Road, Riverhead, NY, for the use by the Sheriff's Office • Internal Affairs (County Executive). Legislator Eddington, you want to make a motion on this?

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion to approve, I'll second the motion. Any discussion?
All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

1190•06 • Sale of County-owned Real Estate pursuant to Local Law 13•1976, Public Service LLC (SCTM No. 0500•223.00•02.00•029.001).

Do I have a motion? Motion by Legislator Stern, second by Legislator Cooper. Any discussion? In favor? Opposed? Abstentions?

LEG. MONTANO:

Abstention.

P.O. LINDSAY:

One abstention.

MR. LAUBE:

16 (Abstention: Legislator Montano • Absent: Legislator D'Amaro).

P.O. LINDSAY:

1194•06 • Amending Resolution No. 8•2006, to rename a depository (Lindsay). It's got my name on it, so I'll make the motion. I said depository, not suppository; its late but not that late. Do I have a second?

LEG. LOSQUADRO:

I'll second.

P.O. LINDSAY:

Second by Legislator Losquadro. On the topic? Seeing none, all in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

IR 1216•06 • Establishing an Application Fee Waiver Policy for Civil Service Examinations (Browning).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Legislator Browning makes the motion.

LEG. MONTANO:

I will second it.

P.O. LINDSAY:

Second by Legislator Montano.

LEG. VILORIA•FISHER:

Cosponsor, Renee.

LEG. SCHNEIDERMAN:

Tim, cosponsor.

LEG. ALDEN:

Just an explanation.

P.O. LINDSAY:

Okay, Legislator Alden would like an explanation. Counsel, could you ••

MR. NOLAN:

This resolution would establish a County policy where the application fee for Civil Service Examinations is waived for recipients of Medicaid, Food Stamps, Temporary Assistance Needy Families or persons who are unemployed.

LEG. VILORIA•FISHER:

Do they pay it back if they get a job?

LEG. ALDEN:

If you're a Legislator, does that constitute as being unemployed?

LEG. VILORIA•FISHER:

Kate, was there something about paying it back after you get the job or something like that? I remember that was discussed, I don't know if it was part of the resolution.

LEG. BROWNING:

No, I know it was discussed.

MR. NOLAN:

It is not part of the resolution.

LEG. BROWNING:

We didn't decide to do that, no.

P.O. LINDSAY:

Okay. Any other discussion on this? All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Negative.

P.O. LINDSAY:

One opposed, Legislator Barraga.

MR. LAUBE:

16 (Opposed: Legislator Barraga • Absent: Legislator D'Amaro).

Okay, 1233 we've already addressed.

1244•06 • Amending the 2006 Capital Budget and Program and appropriating \$1,000,000 in Assessment Stabilization Reserve Funds to satisfy penalties in connection with the Suffolk County Industrial Pre•Treatment Program in compliance with a consent judgment (County Executive).

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Legislator Montano makes a motion and I will second the motion for the purpose of discussion. I did not have the benefit of hearing the testimony at the committee meeting, could I get an explanation?

LEG. VILORIA•FISHER:

We're being sanctioned.

P.O. LINDSAY:

Counsel's office, thank you.

MS. LOLIS:

Thank you. Mr. Presiding Officer, this would be •• the underlying action I would not be able to discuss in public, it would have to be in executive session. But basically, the resolution that's before you is a precondition to the County finalizing a consent judgment and settlement of claims at the EPA and the DEC abroad. As far as the claims themselves, I'd have to wait for executive session.

LEG. MYSTAL:

Read the paper.

P.O. LINDSAY:

Okay.

LEG. NOWICK:

Newsday's executive session.

P.O. LINDSAY:

All right, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

1245•06 • Authorizing transfer of trolley vehicle to Joseph A. Kirk Voiture Locale 713, Suffolk County (County Executive). Voiture? What is Voiture?

LEG. VILORIA•FISHER:

I would say Voiture, but that's French. I don't know what it is.

MR. NOLAN:

I think it's a veterans group.

MR. PEARSALL:

It is.

P.O. LINDSAY:

Okay. Legislator Alden.

LEG. ALDEN:

This is a Suffolk County I guess is called a \"Freudian 8\", the organization?

P.O. LINDSAY:

I have no idea.

MR. NOLAN:

Yes, it is.

LEG. ALDEN:

Good, okay.

P.O. LINDSAY:

Okay. All right, any other discussion? We have a motion?

LEG. ALDEN:

Motion.

P.O. LINDSAY:

Motion by Legislator Alden. Do I have a second?

LEG. ROMAINE:

Cosponsor.

P.O. LINDSAY:

Legislator Eddington is the second and Legislator Romaine cosponsors. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

Memorializing Resolutions:

M003•06 • Memorializing Resolution requesting the State of New York to grant municipalities the authority to regulate trapping (D'Amaro).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

If we do not approve this, all those people are going to come back and haunt me, you know that.

LEG. BARRAGA:

Mr. Chairman, I'd like to speak on this.

LEG. COOPER:

And they'll bring all their friends.

LEG. VILORIA•FISHER:

I'll second the motion.

P.O. LINDSAY:

We have a motion by Legislator Cooper and the second is by Legislator Viloria•Fisher. And Legislator Barraga has the floor.

LEG. BARRAGA:

Certainly I want the Legislature to approve this, but I do want to really talk about a more fundamental issue as it pertains to Memorializing Resolutions and the lack of effect with reference to the New York State Legislature.

LEG. CARACAPPA:

We know.

LEG. BARRAGA:

Certainly, you know, this is the hub of activity as far as Suffolk County is concerned. When you're sitting in the State Legislature, these Memorializing Resolutions come in from many different County Legislatures, and for lack of a better word most of them wind up in the circular file, if they're ever even seen by the member.

I mean, a much better approach, I would think, if you have concerns over a given issue, is to take a look at the sponsor in the Assembly and the Senate and write a letter to that person. And in many cases, when you take a look at some of the issues that are relative to Suffolk County, the sponsor is a Suffolk County Assembly person or a Suffolk County Senator already; they're aware of the issue.

I have never in my years in the Assembly ever had anybody come to the floor and indicate that Suffolk County or any other County is for or opposed to a particular bill. Because truthfully, not to hurt anyone's feelings, they regard you not exactly in the highest frame.

LEG. VILORIA•FISHER:

You mean us, you mean us.

LEG. BARRAGA:

Let's put it this way •• us, that's right, that's right, and I'm sure the feeling is mutual on

the part of us to them. But, you know, I can't sit here and be voting no on every Memorializing Resolution when the substance is so valid, otherwise in about a year and a half I have a rather serious problem. So I'll be voting yes for the Memorializing Resolutions, but in my heart I'll be voting no.

P.O. LINDSAY:

Legislator Mystal.

LEG. ROMAINE:

In your heart you know he's right.

LEG. MYSTAL:

At the risk of being redundant on this subject, we have had this discussion before that we tried to eliminate Sense Resolutions and Memorializing Resolutions but it didn't pass. The main effect of it, and I'm sure you know, Legislator Barraga, is basically what we call pandering; this is what we do with them. We pander to a particular group because a particular group wants us to do something, so we pass the resolution just to make them feel good knowing full well that it goes straight to the garbage. And, you know, Legislator Montano and I tried last year to get rid of all of them because we know they don't go anywhere, but Legislator Cooper who is the President of Memorializing Resolutions, and you will see over the years that most of them will be coming from Legislator Cooper •• he's my friend but I'm sick of him, too •• but that's how we do it.

P.O. LINDSAY:

Would anyone else like to comment on this? Legislator Cooper.

LEG. COOPER:

I'm sorry, I can't let all that pass. First of all, I did vote, for the record, to stop Sense Resolutions, but I agree with what Legislator Barraga said. And by the way, for the record, I'm the only one who consistently pronounces his name correctly.

LEG. MYSTAL:

And he still won't vote for Cooper's stuff.

LEG. BARRAGA:

That's why you're getting most of my votes.

LEG. COOPER:

No, he's going to vote for this one. But if you look at what I've done historically with my Sense Resolutions and Memorializing Resolutions, the important ones that I believe in, whether it's Broadwater or certainly this bill, I don't just pass a Memorializing Resolution, get off a press release and that's it. For the past month I've reached out to the Senate Minority Leader, the Senate sponsor of the bill, three other Senators, the Assembly sponsor, about five other Assembly people. I've spoken to the DEC Commission or the Deputy DEC Commissioner, I've reached out to schools, I've got kids across Suffolk County writing letters to the DEC Commissioner and their local Assembly person and the Assembly and the Senate sponsor. I am working with the press, I'm trying to build support to the extent that I can to put pressure on State Legislators to do the right thing here. And I fully understand, it's not a Republican/Democratic issue, it's an Upstate/Downstate issue. But I think that a Memorializing Resolution and the publicity that it generates can play a role; it can't stop at that, but at least for me that's just one piece of the puzzle but I think it's very important.

P.O. LINDSAY:

The next thing you can probably do is send our State representatives one of them loaded traps.

LEG. COOPER:

There you go, I like that idea. Thank you.

P.O. LINDSAY:

You know, we're at the giddy hour.

LEG. MYSTAL:

Let's vote.

LEG. NOWICK:

Come on, let's go.

P.O. LINDSAY:

All right, but let me just say something. Legislator Barraga just made a very •• Barraga, excuse me •• I think a very valid point and just procedurally, I think we should listen to what he's saying. And I'm not saying that we should eliminate the Memorializing Resolutions, but if one passes we could certainly have Legislative staff do the research

to who wants to sponsor and draft a letter, I'd be happy to do it from the Presiding Officer's Office and it would be signed by the sponsor of the bill, or if you want everybody to sign it, whichever way you want to go if you think that would carry a little bit more weight.

LEG. BARRAGA:

It would carry a great deal of weight, because what would happen is that the letter comes say from all of you signing off on it, and say it came in to me in my previous life. The reality is I will read that letter because sooner or later you're going to come up to me and ask me if I've gotten your letter and sometimes you don't tell me what's in the letter and it becomes painfully obvious when I haven't read it. But if it comes in and it's signed by three or four members of the County Legislature, I know as an Assembly person that this is a serious issue for these people, I will read the letter; on the Memorializing Resolution, that's not necessarily always going to be the case.

P.O. LINDSAY:

So if everybody is in agreement, we'll do that as a matter of procedure here in the future, okay? Having said all that, we have another Memorializing resolution.

MR. LAUBE:

Well, you didn't vote on this one yet, you need the vote.

P.O. LINDSAY:

Oh, did we •• we didn't take a vote on that one.

MR. LAUBE:

You've got a motion and a second.

P.O. LINDSAY:

Motion and a second. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Thanks, Jon.

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

Memorializing Resolution No. 4•06 • Memorializing Resolution requesting the State of New York to repeal the monthly administrative fee for electronic toll collection (Barraga). Legislator Alden.

LEG. ALDEN:

Motion to approve, with all deference to Legislator Barraga.

P.O. LINDSAY:

And I'll second it.

LEG. BARRAGA:

I'm voting yes.

LEG. MONTANO:

In your heart.

P.O. LINDSAY:

Any discussion? No discussion. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

Memorializing Resolution No. 6•06 • Memorializing Resolution in support of the Health Care Responsibility Act (Stern). Legislator stern?

LEG. STERN:

Motion to approve.

P.O. LINDSAY:

Motion to approve.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

Second, okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Who had the second?

MS. ORTIZ:

Eli.

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

Memorializing Resolution No. 8•06 • Memorializing Resolution requesting the State of New York to create the Long Island Workforce Housing Incentive Program (Horsley). Legislator Horsley.

LEG. HORSLEY:

Motion to approve. And may I add that I sent a letter with 26 signatures on it.

LEG. MONTANO:

Second.

LEG. VILORIA•FISHER:

Second.

P.O. LINDSAY:

Okay, all in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

That concludes the agenda, but don't anybody disappear because we have •• did we skip over one?

LEG. VILORIA•FISHER:

I thought we went back.

MR. NOLAN:

Oh, that was for the CN.

LEG. STERN:

Cosponsor 6 and 8.

P.O. LINDSAY:

All right, we're going to go to CN's, the red folder, and I believe we have two. The first one is 1238 which was in our packet and we skipped over it, we passed that. This one we'll go back and make a motion to table subject to call on the one that's in the packet. Do I have a motion on this CN, 1238? Let me make a motion for the purpose of discussion and I need a second.

LEG. VILORIA•FISHER:

I will second.

P.O. LINDSAY:

A second by Vilorina•Fisher. Could the County Executive's Office come to the mike and tell us what ••

MR. PEARSALL:

We're voting on the revised copy that's in front of you.

P.O. LINDSAY:

In the CN packet.

MR. PEARSALL:

Yes.

MR. ZWIRN:

There was a technical defect in the SEQRA clause with respect to this one, so that's why •• that's the difference.

LEG. LOSQUADRO:

Okay. Thank you very ••

MR. ZWIRN:

And we added the funding source.

P.O. LINDSAY:

Thank you very much. Any other questions about it? We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

And the other CN is 1275•06 • To further supplement existing HEAP Programs to benefit a wider range of Suffolk County residents (Alden). The sponsor is Legislator Alden; you want to ••

LEG. ALDEN:

There was a slight mistake made on the first one. Originally I had talked about 20% above the guidelines, then I had agreed to drop it down to 15% above the guidelines; my mistake. The 20% bill went before us and was passed, now this just corrects it, it was only supposed to be for 15% above the guidelines.

LEG. MYSTAL:

Renee, co.

LEG. VILORIA•FISHER:

So you're making a motion?

LEG. ALDEN:

Motion to approve.

P.O. LINDSAY:

Okay. Motion to approve by Legislator Alden, and I assume Legislator Romaine is seconding that.

LEG. ROMAINE:

Yes, I am. Thank you.

P.O. LINDSAY:

Yes, okay.

LEG. MONTANO:

I have a question.

P.O. LINDSAY:

Yes, question by Legislator Montano.

LEG. MONTANO:

Yeah, it makes reference in the C of N notice to the error, but I think •• is this the one that makes reference to the Executive Order? No.

LEG. LOSQUADRO:

Yeah.

LEG. MONTANO:

Yeah, it does, right? Where is it? Hold on. Yes, Order No. 5, I didn't get a copy of Order No. 5, I just picked it up today and I wasn't a CC on it, so I don't know if it came to the office. Could you just •• if we passed a bill, then what was the point of the Executive Order?

MR. ZWIRN:

This was to just to make sure that there was no gap in the program, so that the program could be enacted, that's all it was, just till we could get to tonight. The alternative was to call a special meeting.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Okay. Do we have any other questions on this; no? We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. SCHNEIDERMAN:

Cosponsor, Tim.

P.O. LINDSAY:

We have a request for a cosponsor.

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

LEG. STERN:

Cosponsor, also.

MR. PEARSALL:

There is a veto override.

P.O. LINDSAY:

Okay, thank you. We're going to go •• we have one veto on the sound wall study for Nichol's Road.

LEG. SCHNEIDERMAN:

Can we do the Procedural Motion first?

P.O. LINDSAY:

My colleagues ••

LEG. MYSTAL:

We're all expecting Levy's mother to show up in a minute.

P.O. LINDSAY:

I'm going to make a motion to override.

LEG. CARACAPPA:

I'll second.

P.O. LINDSAY:

We have a second from Legislator Caracappa.

LEG. CARACAPPA:

With pleasure.

P.O. LINDSAY:

With pleasure. The only thing that I would like to say about this is that, number one, it isn't to go forward with sound walls, it's to study whether one's are needed to mitigate the sound in this corridor.

And the second thing, although there is \$100,000 attached to the resolution, I would be perfectly willing and happy if this study could be done in-house by Public Works to accept that, and I'm told that they could probably do that. So there could be a very, very small cost to overriding this particular resolution if it gets done. And from there, it could become expensive when we start talking about if it does show that there needs to be something done to mitigate the sound along this corridor.

Having said that, I rest my case and you can do whatever you want with it. Legislator Kennedy's been biting his tongue to talk.

LEG. LOSQUADRO:

Literally.

LEG. KENNEDY:

Right. And in deference to my colleagues and because the hour is late and because they have had me beat •• heard me beat this horse ad nauseam, the only thing that I would suggest to the chair and to all my colleagues is that, you know, the sound study issues I think are very important quality of life issues for communities in every one of our Legislative Districts. And as much as I would like to in my heart vote to override this, in my head I'm going to have to continue to abstain because I personally face now almost a year of intransigence upon the part of the administration blatantly and wantingly disregarding an override of this Legislature.

And so I hope sincerely, for the Chair, that the administration does follow through and make good on what their commitments are there, but I personally hold little hope.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Just in response to Legislator Kennedy, I would hope that we would be able to persuade you to vote yes on this because I believe that the policy should be set by this Legislative body. In the case of your sound study which was never actually carried out, and I think

it's a defying of this Legislative body wishes and legal actions and I think that that's a very serious action that the County Executive took. I think we're going to put both of these together because I feel in my heart also that this is not going to be honored and this is going to be a legitimate, lawful act by the Legislature, asking to have something accomplished which I think is in the good of everybody in Suffolk County. This will give us two shots ••

LEG. CARACAPPA:

Three, mine too.

LEG. ALDEN:

Right, Joe's too. I think we put all that together and possibly it would be the will of this Legislative body to institute a lawsuit to have our will, lawful directives carried out. So I would hope that •• you know, I would ask you to vote yes on this, we'll stay consistent, we'll all stay together on this and I think that we have to look at •• you know, taking some serious steps to rectify a very bad situation.

LEG. KENNEDY:

Through the Chair?

P.O. LINDSAY:

I have a list, Legislator Mystal.

LEG. NOWICK:

No, no, he's off.

P.O. LINDSAY:

He's off; you're off the list?

LEG. MYSTAL:

No, no, no, no, no, I'm not off. If you guys keep talking I'm going to shoot one of you.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

I thought he was going to tell me about pizza but now actually it sounds a little bit more •

•

LEG. MYSTAL:

How are we going to get pizza? You keep talking.

LEG. KENNEDY:

You know, I hold in high regard all of my colleagues here, and I've had the privilege to serve here for 15 months. And when Legislator Alden asks me to go ahead and contemplate something, I hold his opinion in high regard, as I do former PO Caracappa and all of my colleagues, and so I'll tell you what I'll do. I will go ahead and vote for this because I do believe that my colleagues will support the concept of sound study or constituents throughout the County in all 18 districts, so I will support it.

LEG. ALDEN:

Thank you.

LEG. LOSQUADRO:

Bravo, John.

LEG. CARACAPPA:

Grats.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Just a quick comment, a rhetorical question. The County Executive has taken an oath to uphold the laws of this County, he gets an opportunity to disagree with us and veto things, but if the veto is overridden he has an obligation to carry out what the resolution calls for. If he doesn't like it, even he has another option of going to court to stop us if there's some legal basis. But if this resolution is legal, if it's overridden, he has a legal and moral obligation to enforce the resolutions of this County and when he fails to do so, he shows disrespect to this Legislature and he shows disrespect for procedural actions. And when he gets up here or his representative gets up here to talk about different procedural actions that we aren't taking that we should take, it lacks validity if he himself doesn't hold himself to the same standard, and that's all I would say. Thank you.

LEG. NOWICK:

Okay.

P.O. LINDSAY:

Just one comment. I mean, you fellas are talking about a court case, I'm not buying into that, I'm going to his mother.

LEG. ROMAINE:

Thank you. There you go.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. CARACAPPA:

Roll call.

LEG. VILORIA•FISHER:

I think you have to call the roll.

P.O. LINDSAY:

Okay, roll call, I'm sorry. Thank you, Joe.

*(*Roll Called by Mr. Laube • Clerk*)*

P.O. LINDSAY:

Yes.

LEG. CARACAPPA:

Yes.

LEG. COOPER:

Yep.

LEG. D'AMARO:

(Absent)

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes to override.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes to override.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. VILORIA•FISHER:

Yes.

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

LEG. VILORIA•FISHER:

Yes.

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

Okay. We have a Procedural Motion No. 2. Do you want to explain that, Counsel?

LEG. VILORIA•FISHER:

Where is that?

P.O. LINDSAY:

It should have been distributed, I have it. You want a few minutes to find it; do you have it?

MR. NOLAN:

Okay, last year the Legislature approved a Procedural Motion authorizing the retention of the Center for Urban Policy Research at Rutgers to do a Housing Needs Assessment for the County. The Procedural Motion was worded in such a way that it authorized payment of funds of \$65,000 for the year 2005; they have gone over into 2006. Budget Review, I spoke to them about this, whether we can pay them without doing another Procedural Motion, they suggested no, we could not. This does not increase the amount that's going to be allocated, it's still \$65,000 but allows them to go into 2005 •• from 2005 to 2006 to perform the work and get paid.

P.O. LINDSAY:

Do I have a motion on that and a second?

LEG. SCHNEIDERMAN:

Motion to approve.

P.O. LINDSAY:

Legislator Schneiderman •• Legislator Montano, are you going to make the motion.

LEG. MONTANO:

Yes, I'd like to. On the motion, too.

P.O. LINDSAY:

Okay.

LEG. MONTANO:

I was an original sponsor of the bill last year, the Procedural Motion, so my name should have been added; I don't know if it's too late to add it. If not, just add me as a cosponsor. I will second it and ask that we approve it. Legislator Schneiderman and I had met recently with the Rutgers Group and they're basically pretty far along, right?

LEG. SCHNEIDERMAN:

April I think is the ••

LEG. MONTANO:

April.

P.O. LINDSAY:

So they're pretty far along but they haven't gotten paid.

LEG. MONTANO:

They haven't gotten paid yet, right.

P.O. LINDSAY:

I think we should stop it now, we're ahead of the game, right?

Okay, we have a motion by Legislator Schneiderman, second by Legislator Browning. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

Okay, we have some Late Starters;

1396 been assigned to Vets & Seniors; 1397, Ways & Means and the public hearing is 4/4, 2:30 in Hauppauge; 1398, Vets & Seniors; 1399, Public Safety; 1400, Public Works; 1401, Environment; 1402, Environment; 1403, Budget & Finance; 1404, Parks; 1405, Budget & Finance; 1406, Ways & Means; Memorializing Resolution No. 17 by Legislator Cooper, Ways & Means.

LEG. COOPER:

Sorry.

LEG. VILORIA•FISHER:

Just don't invite everybody.

P.O. LINDSAY:

We need a motion to waive and the rules and to lay them on the table.

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Legislator Browning, second by Eddington. All in favor? Opposed? Abstentions.

MR. LAUBE:

17 (Absent: Legislator D'Amaro).

P.O. LINDSAY:

Is there any other business to come before us this evening?

I'll accept a motion to adjourn.

LEG. NOWICK:

Adjourn.

LEG. MYSTAL:

Motion.

LEG. HORSLEY:

Motion to adjourn.

P.O. LINDSAY:

Motion to adjourn. Thank you very much for your cooperation.

[THE MEETING WAS ADJOURNED AT 9:16 PM]